BOARD OF SUPERVISORS COUNTY OF STAFFORD STAFFORD, VIRGINIA

MINUTES

Regular Meeting
December 18, 2007

<u>Call to Order.</u> A regular meeting of the Stafford County Board of Supervisors was called to order by Jack R. Cavalier, Chairman, at 1:08 P. M., Tuesday, December 18, 2007, in the Board Chambers, Stafford County Administration Center.

Roll Call. The following members were present: Robert C. Gibbons; Paul V. Milde; George H. Schwartz; M. S. "Joe" Brito; Jack R. Cavalier, Chairman; Mark Dudenhefer, Vice Chairman; and Peter J. Fields.

Also in attendance were: Anthony Romanello, Deputy County Administrator; Joe Howard, County Attorney and Marty Beard, Chief Deputy Clerk.

Legislative; Presentation of a Proclamation.

 Recognize and commend Barbara Kirby for her Service on the Planning Commission.

<u>Presentation by Stafford Senior High School Chapter of DECA on Connecting You: In Case of Emergency.</u> Students Nick Larsen and Nick Sharp gave a presentation on the program.

Legislative: Additions and Deletions for the Regular Agenda. Mr. Fields motioned, seconded by Mr. Gibbons, to add Item 32, Legislative; Discuss Dominion Virginia Power lines; Discuss the George Washington Regional Commission Green Government Committee and to delete Item 20, Planning and Zoning; Rezone 372.85 Acres from A-1, Agricultural, to R-1, Suburban Residential at 134 Den Rich Road for Brentsmill, L. L. C.

The Voting Board tally was:

Yea: (7) Milde, Schwartz, Brito, Cavalier, Dudenhefer, Fields, Gibbons

Nay: (0)

<u>Legislative</u>; <u>Consent Agenda.</u> Mr. Gibbons motioned, seconded by Mr. Fields, to adopt the Consent Agenda, consisting of Items 1 thru 14, omitting Items 8 and 9.

The Voting Board tally was:

Yea: (7) Schwartz, Brito, Cavalier, Dudenhefer, Fields, Gibbons, Milde

Nay: (0)

<u>Item 1. Legislative; Approve Minutes of Board Meeting.</u> Regular Meeting of November 20, 2007.

Item 2. Legislative; Recognize and Commend Barbara Kirby for Her Service on the Planning Commission.

Proclamation P07-35 reads as follows:

A PROCLAMATION TO RECOGNIZE AND COMMEND BARBARA KIRBY FOR HER SERVICE ON THE PLANNING COMMISSION

WHEREAS, Barbara Kirby has served on the Stafford Planning Commission since 1994, and has been Vice Chairman since 2005; and

WHEREAS, Barbara Kirby served on the Planning Commission during a period of unprecedented growth in the County, and worked to balance the significant increase in population with the need for adequate infrastructure including roads, schools, public safety, parks and recreation facilities, and libraries; and

WHEREAS, Barbara Kirby took pride in asking the critical questions of developers and applicants to which citizens demanded answers, ensuring that subdivisions, office parks and businesses met a myriad of building and architectural requirements, and encouraging developers to provide proffers and land beyond the minimum required; and

WHEREAS, Barbara Kirby was passionate about preserving Stafford's unique cultural resources, including sites from prehistoric Indian villages to Civil War encampments, to both preserve the County's history and to encourage tourism; and

WHEREAS, Barbara Kirby used her considerable knowledge as a local historian, researcher, genealogist and voracious reader to review lengthy Planning Commission packages, always mindful of the critical importance of prioritizing the work of the commission as it tackled issues from approving large subdivisions and the location of businesses to re-naming streets and controlling the type of development near historic sites; and

WHEREAS, as the Planning Commission's representative to the Architectural Review Board, Barbara Kirby encouraged developers to commit to architectural styles that complemented the significant buildings in the County and to build structures using the highest quality construction; and

WHEREAS, Barbara Kirby also served on the Technical Review Committee, evaluating subdivision plans, plats and site plans with representatives from agencies including the Virginia Department of Transportation, U.S. Army Corps of Engineers,

Department of Utilities, Planning and Zoning and Fire and Rescue Department to ensure

compliance with a myriad of specialized standards; and

WHEREAS, Barbara Kirby, who always recognized the hard work accomplished

by County staff on behalf of the Planning Commission, was in turn esteemed by

employees and her colleagues on the commission as a knowledgeable and dedicated

public servant; and

WHEREAS, the Board desires to bring to the attention of citizens everywhere the

enthusiasm and tireless commitment with which Barbara Kirby served the citizens of

Stafford and the region;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of

Supervisors on this the 18th day of December, 2007, that Barbara Kirby be and she

hereby is commended for her outstanding efforts as a member of the Planning

Commission.

<u>Item 3. Finance; Approve Expenditure Listing</u>

Resolution R07-483 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)

DATED DECEMBER 4 THROUGH DECEMBER 17, 2007

WHEREAS, the Board has appropriated funds to be expended for the purchase of

goods and services in accordance with an approved budget; and

WHEREAS, the payments appearing on the above-referenced Listing of

Expenditures represent payment of \$100,000 and greater for the purchase of goods and/or

services which are within the appropriated amounts;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of December 2007, that the above-mentioned EL be and it hereby is approved.

Item 4. Transportation; Petition VDOT to Include Brownfield Drive, Turner Field Court, Newington Court, Neabsco Drive, Rixey Court and Hunton Drive within Leeland Station Subdivision, Section 3, into the Secondary System of State Highways.

Resolution R07-482 reads as follows:

A RESOLUTION WHICH PETITIONS THE VIRGINIA DEPARTMENT
OF TRANSPORTATION TO INCLUDE BROWNFIELD DRIVE,
TURNER FIELD COURT, NEWINGTON COURT, NEABSCO DRIVE, RIXEY
COURT AND HUNTON DRIVE WITHIN LEELAND STATION
SUBDIVISION, SECTION 3, INTO THE SECONDARY SYSTEM OF
STATE HIGHWAYS

WHEREAS, the Board, pursuant to Section 33.1-229 of the Code of Virginia (1950), as amended, desires to add Brownfield Drive, Turner Field Court, Newington Court, Neabsco Drive, Rixey Court and Hunton Drive within Leeland Station Subdivision, Section 3, into the Secondary System of State Highways; and

WHEREAS, the Virginia Department of Transportation (VDOT) has inspected these streets and found them acceptable;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of December 2007, that the Virginia Department of Transportation (VDOT) be and it hereby is petitioned to include the following streets within Leeland Station Subdivision, Section 3, into the Secondary System of State Highways:

Street	Station	<u>Length</u>
Brownfield Drive	Fr: Inter. Walnut Farms Drive (SR-1953)	0.09 Mi.
(SR-1964)	To: Inter. Turner Field Court (SR-1965)	50' ROW
Brownfield Drive	Fr: Inter. Turner Field Court (SR-1965)	0.06 Mi.
(SR-1964)	To: Inter. Neabsco Drive (SR-1966)	50' ROW
Turner Field Court	Fr: Inter. Brownfield Drive (SR-1964)	0.04 Mi.
(SR-1965)	To: 0.04 Mi. W. Inter. Brownfield Drive (SR-1964)	50' ROW
Newington Court	Fr: Inter. Neabsco Drive (SR-1966)	0.04 Mi.
(SR-1967)	To: 0.04 Mi. S. Inter. Neabsco Drive (SR-1966)	50' ROW
Neabsco Drive	Fr: Inter. Hunton Drive (SR-1955)	0.10 Mi.
(SR-1966)	To: Brownfield Drive (SR-1964)	50' ROW
Neabsco Drive	Fr: Inter. Brownfield Drive (SR-1964)	0.18 Mi.
(SR-1966)	To: Newington Court (SR-1967)	50' ROW
Neabsco Drive	Fr: Inter. Newington Court (SR-1967)	0.06 Mi.
(SR-1966)	To: 0.06 Mi. W. Inter. Newington Court (SR-1967)	50' ROW
Rixey Court	Fr: Inter. Hunton Drive (SR-1955)	0.05 Mi.
(SR-1966)	To: 0.05 Mi. E. Inter. Hunton Drive (SR-1955)	50' ROW
Hunton Drive	Fr: Inter. Walnut Farms Drive (SR-1953)	0.07 Mi.
(SR-1955)	To: Neabsco Drive (SR-1966)	50' ROW
Hunton Drive	Em Inter Machago Drive (SD 1066)	0 12 M:
Hunton Drive (SR-1955)	Fr: Inter. Neabsco Drive (SR-1966) To: 0.13 Mi. N. Inter. Neabsco Drive (SR-1966)	0.13 Mi. 50' ROW
(DIX-1733)	10. 0.13 wii. 14. iii.ci. 14causcu Diive (Six-1700)	JO ROW

An unrestricted right-of-way (ROW), as indicated above, for each street with necessary easements for cuts, fills and drainage is guaranteed, as evidenced by Plat of Record entitled Leeland Station Subdivision, Section 3A, LR 0400006281, recorded February 17, 2004; and Leeland Station Subdivision, Section 3B, LR 0400000108, recorded May 07, 2004; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the developer and the Residency Administrator of VDOT.

<u>Item 5. Transportation; Petition VDOT to Include Centreport Parkway, Phases I and II, into the Secondary System of State Highways</u>

Resolution R07-481 reads as follows:

A RESOLUTION WHICH PETITIONS THE VIRGINIA DEPARTMENT
OF TRANSPORTATION TO INCLUDE CENTREPORT PARKWAY, PHASES
I AND II, INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the Board, pursuant to Section 33.1-229 of the Code of Virginia (1950), as amended, desires to add Centreport Parkway, Phases I & II, into the Secondary System of State Highways; and

WHEREAS, the Virginia Department of Transportation (VDOT) has inspected this street and found it acceptable;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of December 2007, that the Virginia Department of Transportation (VDOT) be and it hereby is petitioned to include Centreport Parkway, Phases I & II, into the Secondary System of State Highways:

Street Station Length

Centreport Parkway Fr: Mountain View Road (SR-627) 2.01 Mi.

(SR-8900) To: 2.01 Mi. ENE of Mountain View Rd. (SR-627) 110' ROW

Centreport Parkway Fr: 2.01 Mi. ENE Mountain View Road (SR-627) 0.48 Mi.

(SR-8900) To: 2.49 Mi. ENE of Mountain View Rd. (SR-627) 110' ROW

An unrestricted right-of-way (ROW), as indicated above, for each street with necessary easements for cuts, fills and drainage is guaranteed, as evidenced by Plat of Record entitled Centreport Parkway, Phase I, LR Instrument 050011303, recorded on April 1, 2005; and Centreport Parkway, Phase II, LR Instrument 040025641, recorded on July 9, 2004; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Residency Administrator of VDOT.

Item 6. Economic Development and Legislative Affairs; Consider Endorsing Legislative Initiatives Proposed by VACo Region 7 – North Central Virginia Localities for the 2008 General Assembly.

Resolution R07-495 reads as follows:

A RESOLUTION TO ENDORSE THE LEGISLATIVE INITIATIVES OF THE VACo REGION 7 – NORTH CENTRAL LOCALITIES FOR THE 2008 GENREAL ASSEMBLY

WHEREAS, the Virginia Association of Counties (VACo) Region 7 and North Central Virginia localities have jointly proposed legislative initiatives for the 2008 General Assembly; and

WHEREAS, the priority initiatives address transportation and the management of growth and its costs, two issues critical to our region; and

WHEREAS, the Board desires to express its support for these issues;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of December 2007, that the Board be and hereby does express its support for the legislative initiatives dated November 16, 2007 proposed by VACo Region 7 – North Central Virginia localities.

Item 7. Economic Development and Legislative Affairs; Support a Legislative Initiative in the 2008 Virginia General Assembly to Allow One-Half of Overweight Truck Fines to be Returned to Localities.

Resolution R07-490 reads as follows:

A RESOLUTION TO SUPPORT A LEGISLATIVE INITIATIVE IN THE 2008 VIRGINIA GENERAL ASSEMBLY TO ALLOW ONE-HALF OF OVERWEIGHT TRUCK FINES TO BE RETURNED TO LOCALITIES

WHEREAS, truck safety is a serious concern for Stafford residents and the Sheriff's Office; and

WHEREAS, federal motor carrier laws require special training and authority before enforcement of truck safety laws may be carried out; and

WHEREAS, the Virginia State Police assist with enforcement of laws related to truck safety, but with only three state troopers in the 19 locality area having received training and authority for this purpose, the State Police do not have the resources to conduct adequate enforcement of truck safety laws; and

WHEREAS, in response to increasing truck volume and lack of outside resources, the Sheriff's Office has created a trained federal motor carrier safety team within the traffic safety unit to inspect and weigh trucks to improve safety by establishing check points and other enforcement activities; and

WHEREAS, state law currently provides that any fines received for overweight truck violations be remitted to the state; and

WHEREAS, the Sheriff has requested the Board to support an initiative to amend state law to provide that one-half of the fines received for overweight truck violations be returned to the locality to help pay the cost of enforcement of truck safety laws;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of December, 2007, that the Board be and hereby does express support for a legislative initiative in the 2008 Virginia General Assembly to amend the Code of Virginia to provide that one-half of fines received for overweight truck violations within a locality be returned to that locality to defray the cost of enforcement of truck safety laws.

<u>Item 10. Utilities; Approve Construction – Phase Engineering and Inspection Services</u> <u>for the Aquia Wastewater Treatment Facility Nutrient Removal Upgrade Phase I.</u>

Resolution R07-511 reads as follows:

A RESOLUTION APPROVING A CONTRACT FOR CONSTRUCTION-PHASE ENGINEERING AND INSPECTION SERVICES DURING THE AQUIA WASTEWATER TREATMENT FACILITY NUTRIENT REMOVAL UPGRADE PROJECT, PHASE 1

WHEREAS, Resolution R07-457 authorized the County Administrator to enter into contracts for the construction of Phase 1 of the Aquia Wastewater Treatment Facility Nutrient Removal project; and

WHEREAS, the County has received a proposal from Parsons Water and Infrastructure to provide construction-phase engineering and inspection services during this project for \$163,498; and

WHEREAS, the Board desires to approve the acquisition of these services;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of December, 2007, that the County Administrator be and he hereby is authorized to execute a contract with Parsons Water and Infrastructure, regarding construction-phase engineering and inspection services for the Aquia Wastewater Treatment Facility Nutrient Removal project, in the amount not to exceed One Hundred Sixty-three Thousand, Four Hundred and Ninety-eight Dollars (\$163,498).

Item 11. Parks and Recreation; Approve Master Plan for Patawomeck Park.

Resolution R07-451 reads as follows:

A RESOLUTION TO APPROVE THE MASTER PLAN FOR PATAWOMECK PARK

WHEREAS, public meetings were held in January and March 2005 to obtain citizen input on the planning of the Park; and

WHEREAS, at a meeting on August 18, 2006, the Parks and Recreation Commission unanimously voted to endorse the revised master plan; and

WHEREAS, staff recommends approval of the Master Plan for Patawomeck Park;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of December, 2007, that the Board be and it hereby does approve the Master Plan for Patawomeck Park.

Item 12. Human Resources; Amend the Policy and Procedures Regarding Employee

Annual Leave Carryover Dates.

Resolution R07-496 reads as follows:

A RESOLUTION TO AMEND THE POLICIES REGARDING EMPLOYEE ANNUAL LEAVE CARRYOVER

WHEREAS, it is the desire of the Board to provide a fair, competitive, and affordable total compensation package for its workforce; and

WHEREAS, an employee committee was established to review work-life balance issues; and

WHEREAS, the annual leave carryover date affects many employees due to work loads, commitments, and projects at the end of the calendar year; and

WHEREAS, the County Administrator has reviewed and supports the recommended change of the carryover of annual leave from the end of the calendar year to September 30; and

WHEREAS, this change would take affect immediately;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of December, 2007, that the County Administrator be and he hereby is authorized to amend the appropriate policies and procedures to reflect the employee annual leave carryover date change.

Item 13. Transportation; Request the Board Support the County Administrator and County Attorney in their Pursuit to Open Primmer House Road.

Resolution R07-513 reads as follows:

A RESOLUTION TO SUPPORT THE COUNTY ADMINISTRATOR
AND COUNTY ATTORNEY IN THEIR PURSUIT OF ALL AVENUES
TO EXPEDITE MEASURES NECESSARY TO ALLOW MOTORISTS
TO TRAVEL ON THE NEW PRIMMER HOUSE ROAD

WHEREAS, the new Primmer House Road provides a vital link from Morton Road (SR-624) to Leeland Road (SR-626) and completes a connection from Jefferson Davis Highway (US-1) to Leeland Road, location of a Virginia Railway Express (VRE) Station; and

WHEREAS, Primmer House Road alleviates excess traffic on Morton Road and contributes to additional safety for traveling motorists; and

WHEREAS, the new Primmer House Road is a public road containing a major bridge constructed over a CSX railroad track and has been inspected by CSX officials; and

WHEREAS, Maryland Development Company has completed all construction to required standards; and

WHEREAS, the Virginia Department of Transportation (VDOT) has inspected Primmer House Road and found it acceptable;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of December, 2007, that the County Administrator and

the County Attorney be and they hereby are supported in expeditiously pursuing all avenues to assure the new public road named Primmer House Road is open for use.

<u>Item 14. Finance; Approve FY2008 Budget Amendment.</u>

Resolution R07-514 reads as follows:

A RESOLUTION TO AMEND THE FY2008 BUDGET

WHEREAS, the FY2008 budget anticipated \$6.4 million in excess fund balance; and

WHEREAS, as a result of FY2007 operations, excess fund balance is not available; and

WHEREAS, the Board is committed to its policy of maintaining sufficient undesignated fund balance of 10% of revenues; and

WHEREAS, the Board is willing to make budget reductions to protect the fiscal well being of the County;

NOW, THEREFORE BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of December, 2007 that the County Administrator be and he hereby is authorized to reduce departmental expenditures and increase fund balance by Three Million Nine Hundred Fifty-four Thousand Three Hundred Seventy-five Dollars (\$3,954,375).

Planning and Zoning; Refer a Zoning Ordinance Amendment to the Planning Commission that Establishes a Heritage Protection (HP) Zoning District. Mr. Dudenhefer commented.

The County Attorney commented further.

Mr. Dudenhefer motioned, seconded by Mr. Milde, to adopt proposed Resolution R07-488.

Discussion ensued.

The Voting Board tally was:

Yea: (7) Brito, Cavalier, Dudenhefer, Fields, Gibbons, Milde, Schwartz

Nay: (0)

Resolution R07-488 reads as follows:

A RESOLUTION TO REFER A ZONING ORDINANCE AMENDMENT
TO THE PLANNING COMMISSION THAT ESTABLISHES THE HERITAGE
PROTECTION (HP) ZONING DISTRICT

WHEREAS, existing Stafford County zoning requirements do not currently address the unique needs of heritage tourism sites, cultural interpretive centers, or museums; and

WHEREAS, Goal 9 of the Stafford County Land Use Plan states that significant historic and/or archaeological sites should be protected and preserved through private, public, or quasi-public groups; and

WHEREAS, the Heritage Protection (HP) Zoning District would provide appropriate guidelines for developing heritage tourism sites and permit proper restoration, preservation, conservation, education, research, and business activities related to the operation of museums and other heritage tourism sites in Stafford County; and

WHEREAS, Section 15.2-2283 of the Code of Virginia (1950), as amended, states the purpose of zoning is to protect against destruction of or encroachment upon historic sites; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practice requires adoption of such an ordinance;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of December, 2007, that the Board be and hereby does refer a Zoning Ordinance amendment to the Planning Commission that establishes the Heritage Protection (HP) Zoning District; and

BE IT FURTHER RESOLVED that the Planning Commission be authorized to make changes as needed.

Planning and Zoning; Authorize the Initiation of Reclassification of Assessors Parcels 54-93, 54-93A, 54-91, 54-92, and 54-92A on George Washington's Ferry Farm and Ferry Farm from A-1 to B-2 to the Heritage Protection (HP) District. Mr. Dudenhefer motioned, seconded by Mr. Gibbons, to postpone this action until the district is established.

Discussion ensued.

Mr. Fields motioned, seconded by Mr. Gibbons, to reconsider Resolution R07-488.

The Voting Board tally was:

Yea: (7) Dudenhefer, Fields, Gibbons, Milde, Schwartz, Brito, Cavalier

Nay: (0)

Mr. Dudenhefer motioned, seconded by Mr. Fields, to request that Resolution R07-488 which refers a Zoning Ordinance Amendment to the Planning Commission that

establishes the Heritage Protection (HP) Zoning District be back to the Board within sixty days.

Mr. Dudenhefer withdrew the motion to consider this action when the district is established.

Mr. Gibbons withdrew the second to the motion.

Mr. Dudenhefer motioned, seconded by Mr. Gibbons, to request that this action be considered at the earliest opportunity.

The Voting Board tally was:

Yea: (7) Gibbons, Milde, Schwartz, Brito, Cavalier, Dudenhefer, Fields

Nay: (0)

<u>Planning and Zoning; Appeal the Planning Commission Decision to Deny a</u>

<u>Comprehensive Plan Compliance Review for Smith Lake Pointe.</u> Mr. Jeff Harvey,
Director of Planning and Zoning, gave a presentation.

Mr. Dave Garafalo, Applicant, commented.

Mr. Milde motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R07-254.

Discussion ensued.

The Voting Board tally was:

Yea: (5) Milde, Cavalier, Dudenhefer, Fields, Gibbons

Nay: (2) Schwartz, Brito

Resolution R07-254 reads as follows:

A RESOLUTION TO OVERRULE A DECISION BY THE PLANNING COMMISSION TO DENY A REQUEST FOR EXTENSION OF PUBLIC SEWER OUTSIDE THE URBAN SERVICE AREA TO SMITH LAKE POINTE, ON ASSESSORS PARCEL 21-5E IN ACCORDANCE WITH SECTION 15.2-2232 OF THE CODE OF VIRGINIA (1950) AS AMENDED

WHEREAS, David Garafalo, applicant, has submitted an application for the extension of sewer on Assessor's Parcel 21-5E outside of the Urban Service Area; and

WHEREAS, Section 15. 2-2232 of the Code of Virginia (1950), as amended, requires the Planning Commission to approve or deny such an application; and

WHEREAS, the Planning Commission denied the application; and

WHEREAS, the applicant has appealed the decision of the Planning Commission to the Board; and

WHEREAS, the Board has determined that the application for the extension of sewer service is substantially in accord with the Comprehensive Plan;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of December, 2007, that the decision of the Planning Commission to deny the application to extend public sewer to Assessor's Parcel 21-5E be and it hereby is overruled.

BE IT FURTHER RESOLVED, that the property shall contain no more than three lots.

<u>Utilities</u>; <u>Authorize a Non-Subsidized Pump and Haul at 29 Mynell Street.</u> Mr. Dale Allen, Assistant Director of Utilities, gave a presentation.

Mr. Cavalier motioned, seconded by Mr. Milde, to adopt proposed Resolution R07-341.

The Voting Board tally was:

Yea: (4) Cavalier, Dudenhefer, Gibbons, Milde

Nay: (3) Schwartz, Brito, Fields

Resolution R07-341 reads as follows:

A RESOLUTION TO AUTHORIZE A NON-RESIDENTIAL (NON-SUBSIDIZED) PUMP AND HAUL AT 29 MYNELL STREET

WHEREAS, it is necessary to provide Pump and Haul services for sewage storage facilities; and

WHEREAS, the County has an Agreement and General Permit with the State Health Department for Pump and Haul services; and

WHEREAS, Pump and Haul services are required for 29 Mynell Street; and

WHEREAS, it is necessary for the County to add new locations to the General Permit Agreement with the Virginia Department of Health;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of December, 2007, that the County Administrator be and he hereby is authorized to add 29 Mynell Street to the agreement with the Virginia Department of Health; and

BE IT FURTHER RESOLVED that these services will be discontinued and

removed from the agreement with the Virginia Department of Health when public sewer

becomes available to this parcel; and

BE IT STILL FURTHER RESOLVED that Stafford County bears no financial

obligation and the anticipated occupant will bear all costs associated with Pump and Haul

services.

Planning and Zoning; Consider a Conditional Use Permit to Allow Two Street Crossings

in a Flood Hazard Overlay District on Hulls Chapel Road. Mr. Jeff Harvey, Director of

Planning and Zoning, gave a presentation.

Discussion ensued.

Hearing no objections from the Board, this item was tabled until later in the meeting.

Utilities; Waive Mandatory Water and Sewer Connections for Beverly Hills; Flinn;

McCarty Forest; Williams; Ellison Estates, Section 2; and Aquia Overlook, Section 3

Subdivisions. Mr. Dale Allen, Assistant Director of Utilities, gave a presentation on all

proposed waivers.

Mr. Schwartz motioned, seconded by Mr. Gibbons, to adopt proposed Resolution R07-

499.

Mr. Jeff Harvey, Director of Planning and Zoning, commented.

Discussion ensued.

The Voting Board tally was:

Yea: (7) Cavalier, Dudenhefer, Fields, Gibbons, Milde, Schwartz, Brito

Nay: (0)

Resolution R07-499 reads as follows:

A RESOLUTION TO WAIVE MANDATORY WATER AND SEWER CONNECTIONS FOR BEVERLY HILLS SUBDIVISION

WHEREAS, Section 25-71 of the County Code requires that subdivisions inside the Urban Service Area utilize the public water and sewer systems; and

WHEREAS, the Beverly Hills subdivision is inside the Urban Service Area; and

WHEREAS, Section 25-71 of the County Code provides a waiver process for applications submitted prior to May 3, 2007; and

WHEREAS, the owner of the Beverly Hills subdivision submitted his application prior to May 3, 2007 and has requested a waiver from the mandatory water and sewer requirements; and

WHEREAS, the Beverly Hills subdivision meets the guidelines for a waiver contained in Section 25-71 of the County Code;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of December, 2007, that the requirements to utilize the public water and sewer systems for the Beverly Hills subdivision be and they hereby are waived.

Mr. Brito motioned, seconded by Mr. Gibbons, to adopt proposed Resolution R07-501.

Discussion ensued.

The Voting Board tally was:

Yea: (7) Dudenhefer, Fields, Gibbons, Milde, Schwartz, Brito, Cavalier

Nay: (0)

Resolution R07-501 reads as follows:

A RESOLUTION TO WAIVE MANDATORY WATER AND SEWER CONNECTIONS FOR THE FLINN SUBDIVISION

WHEREAS, Section 25-71 of the County Code requires that subdivisions inside the Urban Service Area utilize the public water and sewer systems; and

WHEREAS, the Flinn subdivision is inside the Urban Service Area; and

WHEREAS, Section 25-71 of the County Code provides a waiver process for applications submitted prior to May 3, 2007; and

WHEREAS, the owner of the Flinn subdivision submitted his application prior to May 3, 2007 and has requested a waiver from the mandatory water and sewer requirements; and

WHEREAS, the Flinn subdivision meets the guidelines for a waiver contained in Section 25-71 of the County Code;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of December, 2007, that the requirements to utilize the public water and sewer systems for the Flinn subdivision be and they hereby are waived.

Mr. Fields motioned, seconded by Mr. Schwartz, to adopt proposed Resolution R07-504 to deny.

Discussion ensued.

Mr. Dudenhefer made a substitute motion, seconded by Mr. Milde, to adopt proposed Resolution R07-503.

The Voting Board tally was:

Yea: (4) Gibbons, Milde, Cavalier, Dudenhefer

Nay: (3) Schwartz, Brito, Fields

Resolution R07-503 reads as follows:

A RESOLUTION TO WAIVE MANDATORY WATER AND SEWER CONNECTIONS FOR THE MCCARTY FOREST SUBDIVISION

WHEREAS, Section 25-71 of the County Code requires that subdivisions inside the Urban Service Area utilize the public water and sewer systems; and

WHEREAS, the Flinn subdivision is inside the Urban Service Area; and

WHEREAS, Section 25-71 of the County Code provides a waiver process for applications submitted prior to May 3, 2007; and

WHEREAS, the owner of the McCarty subdivision submitted his application prior to May 3, 2007 and has requested a waiver from the mandatory water and sewer requirements; and

WHEREAS, the McCarty subdivision meets the guidelines for a waiver contained in Section 25-71 of the County Code;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of December, 2007, that the requirements to utilize the

public water and sewer systems for the McCarty subdivision be, and they hereby are waived.

Mr. Brito motioned, seconded by Mr. Fields, to adopt proposed Resolution R07-506.

Discussion ensued.

The Voting Board tally was:

Yea: (6) Milde, Schwartz, Brito, Dudenhefer, Fields, Gibbons

Nay: (1) Cavalier

Resolution R07-506 reads as follows:

A RESOLUTION TO DENY A WAIVER FROM MANDATORY WATER AND SEWER REQUIREMENTS FOR THE WILLIAMS SUBDIVSION

WHEREAS, Section 25-71 of the County Code requires that subdivisions inside the Urban Service Area utilize the public water and sewer systems; and

WHEREAS, the Williams subdivision is inside the Urban Service Area; and

WHEREAS, Section 25-71 of the County Code provide a waiver process for applications submitted prior to May 3, 2007; and

WHEREAS, the owner of the Williams subdivision submitted his application prior to May 3, 2007 and has requested a waiver from the mandatory water and sewer requirement; and

WHEREAS, the County desires to maximize the use of the public water and sewer systems with the Urban Service Area;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of December, 2007, that the applicant's request to waive the requirements to utilize the public water and sewer systems for the Williams subdivision be, and it hereby is denied.

Mr. Brito motioned, seconded by Mr. Fields, to adopt proposed Resolution R07-508 to deny.

Discussion ensued.

Mr. Jeff Harvey, Director of Planning and Zoning commented further.

The Voting Board tally was:

Yea: (3) Schwartz, Brito, Fields

Nay: (4) Cavalier, Dudenhefer, Gibbons, Milde

Mr. Milde motioned, seconded by Mr. Cavalier, to adopt proposed Resolution R07-507.

The Voting Board tally was:

Yea: (4) Cavalier, Dudenhefer, Gibbons, Milde

Nay: (3) Schwartz, Brito, Fields

Resolution R07-507 reads as follows:

A RESOLUTION TO WAIVE MANDATORY WATER AND SEWER CONNECTIONS FOR THE ELLISON ESTATES, SECTION 2 SUBDIVISION

WHEREAS, Section 25-71 of the County Code requires that subdivisions inside the Urban Service Area utilize the public water and sewer systems; and

WHEREAS, the Ellison Estates, Section 2 subdivision is inside the Urban Service

Area; and

WHEREAS, Section 25-71 of the County Code provides a waiver process for

applications submitted prior to May 3, 2007; and

WHEREAS, the owner of the Ellison Estates, Section 2 subdivision submitted his

application prior to May 3, 2007 and has requested a waiver from the mandatory water

and sewer requirements; and

WHEREAS, the Ellison Estates, Section 2 subdivision meets the guidelines for a

waiver contained in Section 25-71 of the County Code;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of

Supervisors on this the 18th day of December, 2007, that the requirements to utilize the

public water and sewer systems for the Ellison Estates, Section 2 subdivision be, and they

hereby are waived.

Mr. Cavalier motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R07-

509.

The Voting Board tally was:

Yea:

(5) Cavalier, Dudenhefer, Fields, Gibbons, Milde

Nay:

(2) Schwartz, Brito,

Resolution R07-509 reads as follows:

A RESOLUTION TO WAIVE MANDATORY WATER AND SEWER

CONNECTIONS FOR THE AQUIA OVERLOOK, SECTION 3 SUBDIVISION

WHEREAS, Section 25-71 of the County Code requires that subdivisions inside the Urban Service Area utilize the public water and sewer systems; and

WHEREAS, the Aquia Overlook, Section 3 subdivision is inside the Urban Service Area; and

WHEREAS, Section 25-71 of the County Code provides a waiver process for applications submitted prior to May 3, 2007; and

WHEREAS, the owner of the Aquia Overlook, Section 3 subdivision submitted his application prior to May 3, 2007 and has requested a waiver from the mandatory water and sewer requirements; and

WHEREAS, the Aquia Overlook, Section 3 subdivision meets the guidelines for a waiver contained in Section 25-71 of the County Code

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of December, 2007, that the requirements to utilize the public water and sewer systems for the Aquia Overlook, Section 3 subdivision be and they hereby are waived.

Mr. Brito motioned, seconded by Mr. Gibbons, to adopt proposed Resolution R07-458 with a change.

<u>Planning and Zoning; Consider a Conditional Use Permit to Allow Two Street Crossings in a Flood Hazard Overlay District on Hulls Chapel Road.</u> The County Attorney commented.

Mr. Brito motioned, seconded by Mr. Gibbons, to adopt proposed Resolution R07-458 with a change.

The Voting Board tally was:

Yea: (7) Brito, Cavalier, Dudenhefer, Fields, Gibbons, Milde, Schwartz

Nay: (0)

Resolution R07-458 reads as follows:

A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT
PURSUANT TO APPLICATION CUP2700641 TO ALLOW TWO STREET
CROSSINGS IN A FLOOD HAZARD OVERLAY DISTRICT, ON
ASSESSOR'S PARCELS 37-10, 11, 16 AND 42C, HARTWOOD ELECTION
DISTRICT

WHEREAS, Abel Development LLC, applicant, has submitted application CUP2700641 requesting a Conditional Use Permit to allow two street crossings in a Flood Hazard Overlay District, on the above-described property; and

WHEREAS, the application has been submitted pursuant to Stafford County Code Section 28-35, Table 3.1 of the Zoning Ordinance which permits this use in a Flood Hazard Overlay District by a Conditional Use Permit approved by the Board; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission, staff, and testimony at the public hearing; and

WHEREAS, the Board finds that the request meets the standards of the Zoning Ordinance for issuance of a Conditional Use Permit;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of December, 2007, that a Conditional Use Permit pursuant to application CUP2700641 be and it hereby is approved with the following conditions:

- 1. This Conditional Use Permit is for a street crossing in a Flood Hazard Overlay District on Assessor's Parcels 37-10, 11, 16 and 42C consisting of 6.4716 acres.
- 2. The location of the street crossing shall be in the general location shown on the Generalized Development Plan, titled Staffordshire Subdivision, prepared by ATCS, P.L.C, dated August 23, 2007.
- 3. The applicant shall obtain all applicable Federal, State and County permits and authorizations for stream encroachment, water quality, wetlands, land disturbance, and Chesapeake Bay Preservation Area overlay district requirements.
- 4. The applicant shall obtain a Letter of Map Revision (LOMR) after the construction of the access road culvert is complete to reflect the as-built conditions.
- 5. Construction of the road crossing shall be limited to the hours of 6:00 a.m. to 8:00 p.m. daily, and weekends and holidays 8:00 a.m. to 8:00 p.m.
- 6. The applicant shall submit to the County and receive approval of a major water quality impact assessment for the area affected by this application prior to constructing the access road culvert.
- 7. The applicant shall notify the Department of Code Administration upon commencing work on the access road culvert and associated fill areas along the tributaries to Abel Lake.
- 8. No portion of the development shall be left uncontrolled for the requirements of stormwater management. The applicant shall provide necessary BMP's for all impervious areas.

9. This Conditional Use Permit may be revoked or conditions amended by the Board

for violation of these conditions or any applicable county, federal, or state codes.

10. The Conditional Use Permit shall expire ten (10) years from the date of approval

unless a permit for construction is obtained.

11. All State and County (Chapter 11) requirements pertaining to Erosion and

Sediment Control shall be complied with during construction. Furthermore,

additional sediment control measures shall be installed during construction to

prevents erosion and sediment transport including, but not limited to Earth Berms,

silt fence, sediment traps, basins and super silt fence.

Recess. At 3:00 P. M., the Chairman declared a recess.

<u>Call to Order.</u> At 3:10 P. M., the Chairman call the meeting back to order.

Legislative; Discuss Tax Relief for the Elderly and Disabled. Mr. Milde commented.

Discussion ensued.

Mr. Schwartz motioned, seconded by Mr. Milde, to authorize a public hearing to amend

the County Code regarding tax relief for the elderly and disabled raising the cap.

The Voting Board tally was:

Yea:

(6) Dudenhefer, Fields, Gibbons, Milde, Schwartz, Cavalier

Nay:

(1) Brito

Legislative; Discuss At-Large Chairman Position for the Board of Supervisors in the

2009 Elections. Mr. Milde commented.

Discussion ensued.

The County Attorney commented.

Mr. Milde motioned, seconded by Mr. Dudenhefer, to add to the County's legislative package a request of the General Assembly to give Stafford the option of having a Chairman of the Board elected at large.

The Voting Board tally was:

Yea: (4) Gibbons, Milde, Cavalier, Dudenhefer

Nay: (3) Fields, Schwartz, Brito

<u>Legislative</u>; <u>Discuss Zoning Text Amendment to Allow Stone and Mulch Sales in A-1</u> District by Right. Mr. Gibbons commented.

Mr. Gibbons motioned, seconded by Mr. Milde, to adopt proposed Resolution R07-517.

The Voting Board tally was:

Yea: (7) Gibbons, Milde, Schwartz, Brito, Cavalier, Dudenhefer, Fields

Nay: (0)

Resolution R07-517 reads as follows:

A RESOLUTION TO DIRECT THE PLANNING COMMISSION TO PREPARE AN AMENDMENT TO THE ZONING ORDINANCE THAT WOULD ALLOW MULCH AND LANDSCAPE STONE SALES AS A BY-RIGHT USE IN THE A-1 (AGRICULTURAL) DISTRICT AND TO HOLD A PUBLIC HEARING ON THE PROPOSED AMENDMENT

WHEREAS, currently, plant and tree nurseries and/or greenhouses are a by-right commercial use within the A-1 (Agricultural District) with the sale of mulch as a conditional use, usually operated ancillary to the nursery or greenhouse business; and

WHEREAS, businesses that sell and install mulch and landscape stone sales exist

independently of plant and tree nurseries and/or greenhouses and, yet, assist in the same

function of providing landscaping and ecological design for the community; and

WHEREAS, the Board, pursuant to Va. Code Section 15.2-2285, desires to

initiate the process for consideration of a proposed amendment to the Zoning Ordinance

that would allow commercial mulch and/or landscape stone sales as a by-right use in the

A-1 (Agricultural) districts separate from plant and tree nurseries or greenhouses, to refer

the proposed amendment to the Planning Commission for its recommendations; and

WHEREAS, public necessity, convenience, general welfare or good zoning

practices requires review and public consideration of such proposed amendments to the

Zoning Ordinance as provided for hereinabove, and for such other amendments as may

be determined necessary.

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of

Supervisors on this the 18th day of December, 2007, that the proposed amendment to the

Zoning Ordinance on allowing mulch and landscape stone sales as a by-right use in the

A-1 (Agricultural) districts be and is hereby initiated and referred to the Stafford County

Planning Commission for its review of the suggested amendment and its

recommendations returned to the Board for consideration.

Legislative; Discuss Synthetic Turf Athletic Fields at Smith Lake Park. Mr. Anthony J.

Romanello, Deputy County Administrator, gave a presentation.

Mr. Chris Hoppe, Acting Director of Parks and Recreation, commented.

Discussion ensued.

<u>Legislative</u>; <u>Discuss Dominion Virginia Power Lines</u>. Mr. Gibbons commented.

The County Attorney commented further.

<u>Legislative</u>; <u>Discuss George Washington Regional Commission Green Government</u>

Committee. Mr. Dudenhefer commented.

Hearing no objections from the Board, this committee is to be added to the Boards,

Authorities, Commissions and Committees listing for appointments at the Annual

Meeting in January 2008.

Legislative Closed Meeting. At 4:05 P. M., Mr. Milde motioned, seconded by Mr.

Dudenhefer, to adopt proposed Resolution CM07-36.

The Voting Board tally was:

Yea:

(7) Milde, Schwartz, Brito, Cavalier, Dudenhefer, Fields, Gibbons

Nay:

(0)

Resolution CMR07-36 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board of County Supervisors desires to consult with counsel and

discuss in Closed Meeting legal advice in regards to the Crow's Nest property

acquisition, condemnation, and related litigation matter; and a claim for property

damages by Charles and Wendy Harrison; and

WHEREAS, pursuant to Section 2.2-3711 A.3 and A.7 Va. Code Ann., such

discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford Board of Supervisors, on this the 18th day of December, 2007, does hereby authorize discussions of the aforestated matters in Closed Meeting.

<u>Call to Order.</u> At 5:13 P. M., Mr. Gibbons motioned, seconded by Mr. Fields, to adopt proposed Resolution R07-36a.

The Voting Board tally was:

Yea: (7) Schwartz, Brito, Cavalier, Dudenhefer, Fields, Gibbons, Milde

Nay: (0)

Resolution CMR07-36a reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON DECEMBER 18, 2007

WHEREAS, the Board has, on this the 18th day of December, 2007, adjourned into a closed meeting in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act, as it became effective July 1, 1989, provides for certification that such Closed Meeting was conducted in conformity with law;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors does hereby certify, on this the 4th day of December, 2007, that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Meeting to which this certification applies; and (2) only such public business matters as were identified in the Motion by which the said Closed

Meeting was convened were heard, discussed, or considered by the Board. No member dissents from the aforesaid certification.

Legislative; Authorize the Approval of an Agreement for the Purchase of a Portion of the Crow's Nest Property with an Option to Purchase the Remainder of Crow's Nest; Budget and Appropriation of Deposit; Authorize Public Hearing; Notice of Intent to Reimbursement Proceeds. Mr. Milde motioned, seconded by Mr. Gibbons, to adopt proposed Resolution R07-515 with a change.

The Voting Board tally was:

Yea: (5) Schwartz, Cavalier, Dudenhefer, Gibbons, Milde

Nay: (1) Fields

Abstain: (1) Brito

Resolution R07-515 reads as follows:

A RESOLUTION TO AUTHORIZE THE APPROVAL OF AN AGREEMENT FOR THE PURCHASE OF A PORTION OF THE CROW'S NEST PROPERTY WITH AN OPTION TO PURCHASE THE REMAINDER OF CROW'S NEST; BUDGET AND APPROPRIATION OF DEPOSIT; AUTHORIZE PUBLIC HEARING; NOTICE OF INTENT TO REIMBURSE PROCEEDS

WHEREAS, the Stafford County Board of Supervisors authorized the condemnation of approximately 2,887 acres of property owned by Stafford Lakes Limited Partnership, generally referred to as the Crow's Nest property; and

WHEREAS, condemnation litigation was filed on behalf of Stafford County in Circuit Court seeking to acquire the 2,887 acres of the Crow's Nest property through eminent domain; and

WHEREAS, negotiations have continued to occur during the pendency of the condemnation litigation between Stafford County and Stafford Lakes Limited Partnership; and

WHEREAS, the Board of Supervisors desires to acquire the Crow's Nest property without an undue financial burden on the taxpayers of Stafford County; and

WHEREAS, the Virginia Department of Conservation and Recreation (DCR) has offered the County grant funds in the amount of \$9.5 million toward the acquisition of a portion of the Crow's Nest property, if the property can be acquired without the use of eminent domain; and

WHEREAS, a low interest loan in the amount of \$9.5 million has been made available to Stafford County from the Department of Environmental Quality (DEQ) via the Virginia Resources Authority (VRA), for the purchase of a portion of the Crow's Nest property, if the property can be acquired without the use of eminent domain; and

WHEREAS, Stafford Lakes Limited Partnership has offered to sell Stafford County the 2,887 acres of Crow's Nest land involved in the current condemnation litigation for a total out-of-pocket purchase price of \$35.2 million, with the purchase to be structured as a \$19 million immediate purchase of approximately 1,720 acres, with an option for the County to purchase the remaining approximate 1,167 acres by December 1, 2009; and

WHEREAS, the Crow's Nest owners have requested that the agreed Fair Market Value of the property be set at \$38 million, with the actual price paid by Stafford County being \$35.2 million, and the difference reflecting a donation to the County in accordance with federal and state tax benefits potentially available to the property owner; and

WHEREAS, the Agreement requires a \$1 million non-refundable deposit to be made, which deposit shall be applied toward the initial \$19 million payment for the acquisition of the 1,720 acres of the Crow's Nest property; and

WHEREAS, the Board desires to acquire the Crow's Nest property in two stages, through the use of State money granted by the DCR and a low interest loan from DEQ through VRA and to acquire the optional parcel of Crow's Nest property through such other funding sources as may be located between now and December 1, 2009; and

WHEREAS, the Board has determined that the acquisition of the Crow's Nest property is in the public interest and promotes the general public convenience, health, safety and welfare; and

WHEREAS, the acquisition of the Crow's Nest property will preserve an important historical and cultural resource for residents of Stafford County and the Commonwealth of Virginia in perpetuity;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors on this the 18th day of December, 2007, does hereby approve the Agreement for the purchase of the Crow's Nest property consisting of an initial purchase of approximately 1,720 acres for the purchase price of \$19 million, with an option to purchase the remaining approximately 1,167 acres for the purchase price of \$16.2 million to be exercised by December 1, 2009, if at all; and

BE IT FURTHER RESOLVED that this purchase is contingent upon receiving a \$9.5 million grant from the Department of Conservation and Recreation and a \$9.5 million low interest loan from the Department of Environmental Quality through the Virginia Resources Authority; and

BE IT STILL FURTHER RESOLVED that the Board does hereby authorize and instruct the County Administrator to make the \$1 million deposit as specified in the Agreement; and

BE IT STILL FUTHER RESOLVED that the Board does hereby budget and appropriate \$1 million to be deposited in accordance with the Agreement, from the General Fund; and

BE IT STILL FURTHER RESOLVED that the County Administrator is authorized to sign all necessary documents, including the Agreement with such necessary changes that may be needed for clarification and do not change the substance or terms and as approved by the County Attorney, to effect the acquisition of the first portion of the Crow's Nest property in accordance with the Agreement, to request the grant funds from the Department of Conservation and Recreation and the low interest loan from the Department of Environmental Quality, as well as all other actions necessary and contemplated under the Agreement to effectuate this acquisition; and

BE IT STILL FURTHER RESOLVED that the County presently intends, at one time or from time to time, to finance this Project with state funds and tax-exempt or taxable bonds or other obligations (the "Bonds") and to reimburse capital expenditures paid by Stafford County (including expenditures previously paid by the County to the extent permitted by law) in connection with this Project before the issuance of the Bonds; and

BE IT STILL FURTHER RESOLVED that Stafford County expects to pay \$1,000,000 in capital expenditures related to this Project and incurred before receipt of state funds or the issuance of the Bonds with an interfund loan or loans from the General Fund or from temporary appropriations or loans from the General Capital Projects Fund and Stafford County expects to pay debt service on the Bonds from the General Fund consisting of general tax revenues for the projects; and

BE IT STILL FURTHER RESOLVED that this Resolution is adopted for the purposes of complying with Treasury Regulation Section, 1.150-2 or any successor regulation and shall be in full force and effect upon its adoption; and the Clerk of the Board shall file a copy of this Resolution in the records of Stafford County available for inspection by the general public during Stafford County's normal business hours; and

BE IT STILL FURTHER RESOLVED that the Board does hereby authorize the County Administrator to advertise a public hearing to budget and appropriate the \$18 million remainder of the purchase price in accordance with law; and

BE IT STILL FURTHER RESOLVED that if any local funds are needed for the County to exercise the option to purchase Parcel B, a public referendum will be held to seek approval of the voters for borrowing the necessary funds; and

BE IT FINALLY RESOLVED that the Board does hereby authorize the County Administrator to explore all appropriate grants and funding sources to permit the Board to exercise the option to acquire the remainder of the Crow's Nest property in accordance with the Agreement on or before December 1, 2009.

Recess. At 5:16 P. M., the Chairman declared a recess until 7:00 P. M.

<u>Call to Order.</u> At 7:08 P. M. the Chairman called the meeting back to order.

<u>Invocation.</u> A moment of silence was observed for the Colonial Forge High School Student Cecilia E. Chavez who died as a result of a automobile accident.

<u>Pledge of Allegiance.</u> Mr. Cavalier led in the recitation of the Pledge of Allegiance to the Flag of the United States of America.

<u>Legislative</u>; <u>National Night Out Awards</u>. Mr. Milde and Deputy Darrell English presented recognition awards to Neighborhood Watch Programs.

<u>Presentations by the Public.</u> The following persons spoke on the topics as identified:

Buddy Secor - Dominion Virginia Power transmission lines.

Harry Crisp - Campaign issues.

Becky Guy. - Expressed appreciation to Mr. Fields for all his

efforts.

- Commended staff.

Dean Fetterolf - Expressed appreciation to Mr. Gibbons for all his

efforts.

Cecilia Kirkman - Save Crows Nest.

Lou Silver - History.

Open Government.

<u>Legislative</u>; Farewell Speeches. Mr. Cavalier, Mr. Fields, and Mr. Gibbons commented on their terms.

Planning and Zoning; Amend and Reordain the Zoning Ordinance by Amending the Zoning District Map to Reclassify Assessor's Parcels 38-76A, 38-76B(Portion), 3-76C, 38-76E, 38-76F, and 38-76G from A-1, Agricultural Zoning Districts to M-1, Light Industrial Zoning District. Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation.

The Chairman opened a public hearing.

The following persons spoke:

Mr. Foote, on behalf of the Applicant

Cord Sterling

Mr. Foote

The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R07-479 to deny.

Discussion ensued.

Mr. Brito made a substitute motion, seconded by Mr. Fields, to defer this item.

Discussion further ensued.

The Voting Board tally on the substitute motion was:

Yea: (2)

(2) Fields, Brito

Nay:

(5) Dudenhefer, Gibbons, Milde, Schwartz, Cavalier

The Voting Board tally on the original motion was:

Yea:

(4) Gibbons, Milde, Cavalier, Dudenhefer

Nay:

(3) Brito, Fields, Schwartz

Resolution R07-479 reads as follows:

A RESOLUTION TO DENY THE REQUEST TO AMEND AND REORDAIN THE ZONING ORDINANCE FOR STAFFORD COUNTY BY AMENDING THE ZONING DISTRICT MAP TO RECLASSIFY FROM A-1, AGRICULTURAL TO M-1, LIGHT INDUSTRIAL ON ASSESSOR'S PARCELS 38-76A, 38-76B (PORTION), 38-76C, 38-76E, 38-76F, AND 38-76G AQUIA ELECTION DISTRICT

WHEREAS, R. Income Properties, LLC and Airport Business Group, LLC, has submitted application RC2700404 requesting reclassification, of Assessor's Parcels 38-76A, 38-76B (portion), 38-76C, 38-76E, 38-76F, AND 38-76G from A-1, Agricultural, to M-1, Light Industrial, consisting of 37.95 acres, located on the west side of Wyche Road, 2,500 feet south of Courthouse Road, within the Aquia Election District; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission and staff and the testimony at the public hearing; and

WHEREAS, the Board has determined that the requested zoning is incompatible with the surrounding land uses and zoning;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of December, 2007, that application RC2700404 be and it hereby is denied.

Planning and Zoning; Consider an Amendment to Proffered Conditions at 3050 Jefferson Davis Highway and Consider a Conditional Use Permit at 3050 Jefferson Davis Highway. Mr. Milde declared that he owns Lot #63.

Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation.

The Chairman opened a public hearing on both issues.

The following person spoke:

Clark LEMING, on behalf of the Applicant

The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Mr. Schwartz, to adopt proposed Ordinance O07-79.

The Voting Board tally was:

Yea: (7) Fields, Gibbons, Milde, Schwartz, Brito, Cavalier, Dudenhefer

Nay: (0)

Ordinance O07-79 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE ZONING ORDINANCE FOR STAFFORD COUNTY BY AMENDING THE PROFFERED CONDITIONS ON A PORTION OF ASSESSOR'S PARCEL 21-51, ZONED B-2, URBAN COMMERCIAL, AQUIA ELECTION DISTRICT

WHEREAS, RH Development LLC, applicant, has submitted application RC2700501 requesting an amendment to proffered conditions on a portion of Assessor's Parcel 21-51, zoned B-2 Urban Commercial, consisting of 5.31 acres located on the east side of Jefferson Davis Highway, 2,000 feet north of Garrisonville Road, Aquia Election District; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission and staff and the testimony at the public hearing; and

WHEREAS, the Board has determined that the requested amendment to proffered conditions is appropriate; and

NOW, THEREFORE BE IT ORDAINED, by the Stafford County Board of Supervisors on this the 18th day of December, 2007, that the Zoning Ordinance for Stafford County be and it hereby is amended and reordained by amending the zoning district map to amend proffered conditions on the parcel of land as described above, as follows:

1. <u>PARCEL 51</u>

A. PROHIBITED USES

- 1. Car Wash. Vehicle Sales
- 2. Warehousing, mini-storage. Vehicle Service
- 3. Building material sales and storage yard. Vehicle repair.

B. TRANSPORTATION

- 1. Subject to VDOT warrants being met, the Applicant agrees to install a traffic signal at the intersection of Coachman Circle and Jefferson Davis Highway (Southernmost intersection).
- 2. Dedicate 72 feet of ROW from the centerline of Jefferson Davis Highway adequate to accommodate a third through lane, acceleration lane, and sidewalk.
- 3. Install curb and gutter at the limits of any paved surface except for LID features.
- 4. Construct sidewalk on Coachman Circle, Jefferson Davis Highway, along the spine road on the site, and between uses on the site.
- 5. No more than one right-in access shall be constructed from Jefferson Davis Highway to the Property.
- 6. With the submission of the site plan application the Applicant agrees to provide a warrants study, prepared by a traffic engineer, to determine whether a signal should be installed at the intersection of Coachman Circle (southern Portion) and Jefferson Davis Highway and , if a signal is warranted, to pay to the County a pro rata share of the cost of installation of such signal based on the percentage of the overall traffic contribution at the intersection attributable to Applicant's development.

C. <u>DESIGN CRITERIA</u>

The following design guidelines shall be incorporated into development of the site and buildings:

1. All rooftop equipment will be screened from the adjacent parcels.

- 2. Materials and design for all buildings on the site shall be coordinated with those to be constructed on Assessor's Parcel 21–51A.
- 3. Building façade materials shall not consist of metal or smooth-faced block.
- 4. Drive through windows shall be oriented away from Jefferson Davis Highway-, however such requirement shall not prohibit the orientation of the service reception area from facing Jefferson Davis Highway.
- 5. All dumpster pads shall be screened with coordinated materials.
- 6. All building facades shall be constructed in conformance with the rendering attached as EXHIBIT "A". The roof type may be substituted with a gable or hipped roof and may incorporate dormers. The façade surface shall consist of at least 75 percent brick and no more than 25 percent other materials. The building materials shall be in substantial conformance with the elevation labeled "Facility Proposal Nissan of Stafford", dated October 17, 2007.

D. <u>SIGNAGE AND LIGHTING</u>

- 1. No general advertising signs.
- 2. All monument signs shall utilize coordinated designs and materials.
- 3. Lighting shall be directed downward and inward on the site.

E. ENVIRONMENTAL

1. Orange safety fence shall be installed at the limits of clearing and grading adjacent to the RPA prior to site plan approval for any portion of the site.

F. SITE LAYOUT:

 Multiple buildings constructed along Jefferson Davis Highway shall provide a generally uniform front yard setback. The primary service building shall be set back a maximum of 130 feet from Jefferson Davis Highway. Projections and recessions along the front building façades are permitted.

- 2. Buildings shall be oriented towards Jefferson Davis Highway—with no more than one (1) internal drive aisle between the building and Jefferson Davis Highway. Two rows of parking may be permitted along the drive aisle. This proffer shall not apply to any buildings constructed behind and subsequent to the buildings fronting on Jefferson Davis Highway.
- 3. Vehicle access shall be provided across the property to connect Coachman Circle from the north to the south.
- 4. Parking spaces and/or drive aisles located between buildings and Jefferson Davis Highway shall be screened by installing a combination of a berm, an opaque wall, and/or landscape plantings to screen vehicle headlights. Screening shall achieve a height of 3 feet above the elevation of the parking space surface, measured at the face of the curb. Such features are in addition to the required landscape plantings. Any walls constructed to screen parking shall utilize materials, colors, and features similar to those of the buildings on site.
- 5. Loading and or service bays shall be oriented away from Jefferson Davis Highway-, however, such requirement shall not prohibit the orientation of the service entrance / service reception area from facing Jefferson Davis Highway. No repair or servicing shall be conducted in the service reception area.
- 6. Loading spaces and dumpster pads shall not be permitted within the front yard of any building located along Jefferson Davis Highway.
- 7. If any walls are constructed to screen parking, materials, colors and features similar to those of the buildings on site shall be utilized.

2. PARCEL 51A

A. <u>USE RESTRICTIONS</u>

- 1. Car Wash.
- 2. Warehousing and mini-storage.
- 3. Building material sales and storage yard.

B. ARCHITECTURAL DESIGN AND SIGNAGE

- 1. Materials and design of the building(s) shall be coordinated and shall not employ metal or smooth-faced block on the building facades.
- 2. Any hotel shall be oriented so that no room shall have its windows directly facing the residential area to the east.
- 3. Buildings shall be designed so that no rooftop mechanical equipment is visible from adjacent parcels.
- 4. All dumpster pads shall be screened with coordinated building materials.
- 5. All monument signs shall be of a coordinated design and use materials compatible with those of the building.
- 6. All building facades shall be constructed in conformance with the rendering, submitted and attached hereto, identified as EXHIBIT "A". The roof type may be substituted with a gable or hipped roof and may incorporate dormers. The façade surface shall consist of at least 75 percent brick and no more than 25 percent other materials.

C. <u>LIGHTING</u>

Parking lot lighting shall employ "cut off lighting" fixtures for all areas, which shall not exceed 0.5 horizontal foot candles measured along the property line.

D. TRANSPORTATION

- 1. A minimum 24 foot wide inter-parcel vehicular access easement shall be recorded across the property from Coachman Circle to serve Shiloh Baptist Church.
- 2. Twelve (12) feet of additional right-of-way, for a total of sixty-seven (67) feet as measured from the centerline of Jefferson Davis Highway, shall be dedicated to accommodate a third through lane, deceleration lane and sidewalk.
- 3. Curb and gutter shall be installed at the limits of all paved surfaces except for Low Impact Design (LID) features.
- 4. Sidewalks shall be constructed along Coachman Circle, Jefferson Davis Highway and between uses on the site.
- 5. General advertising signs shall be prohibited.
- 6. Drive through windows shall be oriented away from Jefferson Davis Highway.

E. SITE LAYOUT

- 1. There shall be no more than one (1) internal driveway between the building(s) and Jefferson Davis Highway. Two (2) rows of parking may be permitted along the drive aisle.
- 2. Parking areas and/or drive aisles located between building(s) and Jefferson Davis Highway shall be screened by installing a combination of a berm, an opaque wall, and/or landscape plantings to screen vehicle headlights. Screening shall achieve a height of three (3) feet above the elevation of the parking space surface, measured at the face of the curb. Such features are in addition to the required landscape plantings. Any walls constructed to

screen parking shall utilize materials, colors and features similar to those of the building(s) on site.

3. Loading and/or service bays shall be oriented away from Jefferson Davis Highway.

4. Loading spaces and dumpster pads shall not be permitted within the front
 yard of any building(s) located along Jefferson Davis Highway.

Mr. Milde motioned, seconded by Mr. Dudenhefer, to adopt proposed Resolution R07-447.

The Voting Board tally was:

Yea: (7) Brito, Cavalier, Dudenhefer, Fields, Gibbons, Milde, Schwartz

Nay: (0)

Resolution R07-447 reads as follows:

A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT PURSUANT TO APPLICATION CUP2700502 TO ALLOW MOTOR VEHICLE SALES, SERVICE, AUTOMOBILE REPAIR, AND RENTAL IN A B-2, URBAN COMMERCIAL, ZONING DISTRICT, ON A PORTION OF ASSESSOR'S PARCEL 21-51, AQUIA ELECTION DISTRICT

WHEREAS, RH Development LLC, applicant, has submitted application CUP2700502 requesting a Conditional Use Permit to allow motor vehicle sales, service, automobile repair, and rental in a B-2, Urban Commercial, Zoning District, on the above-described property; and

WHEREAS, the application has been submitted pursuant to Stafford County Code, Section 28-35, Table 3.1 of the Zoning Ordinance, which permits this use in a B-2, Urban Commercial, Zoning District after a Conditional Use Permit has been approved by the Board; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission, staff and testimony at the public hearing; and

WHEREAS, the Board finds that the request meets the standards of the Zoning Ordinance for approval of a Conditional Use Permit;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of December, 2007, that a Conditional Use Permit pursuant to application CUP2700502 be and it hereby is approved with the following conditions:

- 1. This Conditional Use Permit is for Motor Vehicle Sales, Service, Repair, and Rental on TM 21-51 consisting of 5.31 acres.
- 2. The primary use shall be new vehicle sales.
- 3. The building design and materials shall be in general conformance with the renderings entitled "Proposed Elevations", dated November 21, 2007.
- 4. Parking lot lighting shall be directed downward and inward on the site to prevent glare onto adjacent streets and neighboring property. A lighting plan shall be submitted with the site plan.
- 5. An access drive shall be constructed at least 30 feet in width along the eastern property boundary in the location shown on the Generalized Development Plan entitled "Aquia Auto Mall", dated October 2007. This access drive shall remain

open at all times to provide a continuous connection to both sides of Coachman Circle.

- 6. There shall be no vehicles parked or unloaded within any public right-of-way.
- 7. Customer parking areas will be clearly marked and not used for display purposes.
- 8. Rooftop mechanical equipment shall be screened from view from any public right of way.
- 9. All automobile service and repair shall be performed inside the buildings. No service bay doors shall be located along the west facing side of any building facing Jefferson Davis Highway.
- 10. The service reception area facing Jefferson Davis Highway shall exclude any service operations other than pick-up and drop-off of vehicles.
- 11. Storage areas for inoperable vehicles shall be screened from Jefferson Davis Highway and Coachman Circle.
- 12. There shall be no outdoor display or storage of automobile parts.
- 13. No display vehicles outside of the buildings shall be elevated on platforms or ramps and display vehicles shall be limited to impervious surfaces.
- 14. No parking shall be conducted inside the buffer yards.
- 15. No off-road test tracks shall be permitted on the site.
- 16. Buildings shall be equipped with sprinkler systems for fire suppression.

- 17. No flags, lights, balloons, streamers, or windsocks shall exceed the elevation of the building.
- 18. There shall be no outdoor noise amplification.
- 19. Transitional buffer along east portion of the property will include a mix of evergreens. Plantings shall screen the view of the homes along the eastern property line.
- 20. This Conditional Use Permit will expire within 5 years of approval if a building permit has not been issued for construction of the first building for vehicle sales.
- 21. This Conditional Use Permit may be revoked or conditions amended by the Board for violation of these conditions or any applicable county, federal, or state codes.

Planning and Zoning; Amend and Reordain the Zoning Ordinance by Amending the Zoning District Map to Reclassify Assessor's Parcels 21-49 (portion), 21-49H, 21-49J AND 21-49Q from B- 2, Urban Commercial Zoning Districts to P-TND, Planned Traditional Neighborhood Development Zoning District at Aquia Towne Center; (2) Request for Deviation from Table 3.5(a) and Table 3.5(c) of the Zoning Ordinance for the Reclassification of the Town Center of Aquia. Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation.

The Chairman opened a public hearing.

The following persons spoke:

Clark Leming, on behalf of the Applicant

Mr. Rice

Ed Wizner

Pamela Haines

John Nagoky

Dean Fetteroff

Lou Silver

Nan Rollison

Patricia Kurpiel

Adam Hawkins

Clark Leming

Mr. Milde motioned, seconded by Mr. Dudenhefer, to adopt proposed Ordinance O07-76 with changes.

Discussion ensued.

Mr. Dudenhefer made a substitute motion, seconded by Mr. Gibbons, to defer this item for 30 days.

Discussion further ensued.

The Voting Board tally was:

Yea: (5) Fields, Gibbons, Milde, Schwartz, Brito, Cavalier, Dudenhefer

Nay: (2) Milde, Cavalier

Recess. At 11:20 P. M., the Chairman declared a recess.

Call to Order. At 11:28 P. M. the Chairman called the meeting back to order.

Planning and Zoning; Amend Section 22-5, Family and Minor Subdivisions; and Section 22-176, Private Access Easement, of the Subdivision Ordinance. Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation.

The Chairman opened a public hearing.

The following person spoke:

Tom Cropp

The Chairman closed the public hearing.

12/18/07- Page 54

Mr. Fields motioned, seconded by Mr. Brito, to adopt proposed Ordinance O07-58.

The Voting Board tally was:

(6) Gibbons, Milde, Schwartz, Brito, Dudenhefer, Fields Yea:

Nav:

Absent: (1) Cavalier

Ordinance O07-58 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE COUNTY CODE BY AMENDING SECTION 22-5, FAMILY AND MINOR

SUBDIVISIONS, AND SECTION 22-176, PRIVATE ACCESS

EASEMENTS, OF THE SUBDIVISION ORDINANCE

WHEREAS, the Subdivision Ordinance regulates the minimum width for the

actual roadway within a Private Access Easement and Family Subdivision for lots less

than five (5) acres but does not provide a minimum width for the easement; and

WHEREAS, Section 12-22 of the County Code requires that to ensure access to

buildings and structures for firefighting and rescue apparatus all fire lanes shall have a

minimum width of twenty (20) feet; and

WHEREAS, the Board desires the Subdivision Ordinance to be consistent with

other chapters of the County Code and the Code of Virginia; and

WHEREAS, the Board has carefully considered the recommendation of the

Planning Commission and staff and the testimony at the public hearing; and

WHEREAS, the Board finds that public necessity, convenience, general welfare,

and good subdivision practice requires adoption of such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 18th day of December, 2007, that the Stafford County Code be and it hereby is amended and reordained by amending Section 22-5, Family and Minor Subdivisions; and, Section 22-176, Private Access Easements, of the Subdivision Ordinance as follows, with all other portions remaining unchanged:

Sec. 22-5. Family and minor subdivisions.

- (a) Family subdivisions.
- (8) Lots of less than five (5) acres may shall be served by an right of way of not less than ten (10) feet in width providing ingress and egress easement at least twenty (20) feet wide, clear of any structures and vegetation, to a road which is part of the Virginia Department of Transportation road system. The roadway within the ingress/egress easement shall be no less than ten (10) feet in width.
- (9) Each lot or property five (5) acres or greater in area shall front on a road which is a part of the Virginia Department of Transportation road system, or be served by an right-of-way ingress/egress easement of not less than fifty (50) feet in width, with a minimum width of twenty (20) feet for the roadway clear of any structures or vegetation, to a road which is part of the Virginia Department of Transportation road system. The roadway within the ingress/egress easement shall be no less than ten (10) feet in width.

Sec. 22-176. Private access easements.

(c) For family divisions or minor subdivision with an access easement to serve two (2) or fewer properties, the roadway within the easement shall have a minimum width of at least ten (10) feet. Lots less than five (5) acres shall be served by an ingress/egress easement at least twenty (20) feet wide, clear of any structures and vegetation. Lots five (5) acres or larger shall be served by an ingress/egress easement at least fifty (50) feet

12/18/07- Page 56

wide, with a minimum width of twenty (20) feet for the roadway clear of any structures

and vegetation. Such easement shall not serve any property less than one acre in size and

shall not serve as a through street; that is, it shall not intersect with any other road or

private access easement.

Mr. Fields motioned, seconded by Mr. Brito, to refer proposed Ordinance O07-71 back to

the Planning Commission for further review.

The Voting Board tally was:

Yea:

(6) Dudenhefer, Fields, Gibbons, Milde, Schwartz, Brito

Nay:

(0)

Absent: (1) Cavalier

Planning and Zoning; Amend Section 28-25 Definitions of Specific Terms; Section 28-

35, Table of Uses and Standards; Table 3.1, District Uses and Standards; Section 28-39,

Special Regulations; Table 3.2(f), Cultural/Entertainment Uses within Transect Zones;

Table 3.2(g) Agricultural Uses within Transect Zones; Table 3.4(b) Open and Park

Space; Table 3.5(a) Allocation of Transect Zones; Table 3.5(b) Base Residential Density;

Table 3.5(d) Setbacks, Main Buildings; and Table 3.5(f) Heights/Number of Stories; and

<u>Table 7.1 Required Parking Spaces, of the Zoning Ordinance.</u> Mr. Jeff Harvey, Director

of Planning and Zoning, gave a presentation on both issues.

The Chairman opened a public hearing.

The following person spoke:

Patricia Kurpiel

The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Mr. Dudenhefer, to adopt proposed Ordinance O07-77.

The Voting Board tally was:

Yea:

(4) Gibbons, Milde, Brito, Dudenhefer

Nay: (2) Fields, Schwartz

Absent: (1) Cavalier

Ordinance O07-77 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN THE COUNTY CODE BY AMENDING SECTION 28-25, DEFINITIONS OF SPECIFIC TERMS; SECTION 28-35, TABLE OF USES AND STANDARDS, TABLE 3.1, DISTRICT USES AND STANDARDS; SECTION 28-39, SPECIAL REGULATIONS, TABLE 3.2(f), CULTURAL/ENTERTAINMENT USES WITHIN TRANSECT ZONES, TABLE 3.2(g), AGRICULTURAL USES WITHIN TRANSECT ZONES, TABLE 3.4(b), OPEN AND PARK SPACE, TABLE 3.5(a), ALLOCATION OF TRANSECT ZONES, TABLE 3.5(b), BASE RESIDENTIAL DENSITY, TABLE 3.5(d), SETBACKS, MAIN BUILDINGS, AND, TABLE 3.5(f), HEIGHTS/NUMBER OF STORIES, OF THE ZONING ORDINANCE

WHEREAS, the Board approved the Planned-Traditional Neighborhood Development (P-TND) zoning district on July 17, 2007; and

WHEREAS, the Board in approving the P-TND zoning district directed the Planning Commission to consider modifications to the zoning district dealing with the maximum heights, density, and tract size; the residential components within the P-TND; and any other changes necessary; and

WHEREAS, the Planning Commission held a public information meeting on September 12, 2007; and

WHEREAS, the Planning Commission held a public hearing on the amendments with recommendations for modifications dealing with the maximum height, density, and tract size; and other changes as deemed necessary; and

WHEREAS, the Planning Commission does not support the option of not requiring a residential component with a P-TND; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission and staff and the testimony at the public hearing; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, or good zoning practice requires adoption of such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 18th day of December, 2007, that the Stafford County Code be and it hereby is amended and reordained by amending Section 28-25, Definitions of specific terms; Section 28-35, Table of Uses and Standards, Table 3.1, District Uses and Standards; Section 28-39, Special Regulations, Table 3.2(f), Cultural/Entertainment Uses Within Transect Zones; Table 3.2(g), Agricultural Uses Within Transect Zones; Table 3.4(b), Open and Park Space; Table 3.5(a), Allocation of Transect Zones; Table 3.5(b), Base Residential Density; Table 3.5(d), Setbacks, main buildings; and Table 3.5(f), Heights/Number of Stories, of the Zoning Ordinance as follows, with all other portions remaining unchanged:

Sec. 28-25. Definitions of specific terms.

Redevelopment. The removal and replacement, rehabilitation, or adaptive reuse of an existing structure(s) or building(s), or of land from which previous improvements have been removed. Replacement may include construction of residential, commercial, industrial, public, or other uses as well as provisions for streets, parks and other public works (facilities).

Sec. 28-35. Table of uses and standards.

Table 3.1	District I	lees and	Standards	c
rapie s.i.	I JINITICI U	ses ana	Stanaaras	١.

P-TND Planned – Traditional Neighborhood Development

a. Uses permitted by-right

Golf course, minimum of 18 holes and may include practice tees and golf driving range as an accessory only

Greenhouses

Public facilities for water/sewer pump stations and water tanks Stables

b. Conditional Use Permit:

Golf course, minimum of 18 holes and may include practice tees and golf driving range as an accessory only

Substation

Telecommunication Facility

- c. Requirements:
 - (1) Intensity:

Minimum gross tract area/acres.......... 30–75 except for redevelopment, provided there is no increase of impervious area greater than ten (10) percent, no minimum gross tract area/acres for such redevelopment

Allocated density, gross tract 10 d.u/gross tract acres

Sec. 28-39. Special Regulations

(q) Planned-Traditional Neighborhood Development (P-TND)

4. Transect Zones

The Traditional Neighborhood Development (TND) shall comprise of all or some of the following transect zones:

a. T1, Natural Zone

Consists of lands approximating or reverting to a wilderness condition, including lands unsuitable for settlement due to topography, hydrology or vegetation. This shall include all lands designated as Critical Resource Protection Area (CRPA), any lands adjoining CRPA which has a slope equal to or greater than twenty five (25) percent, and an area of thirty five (35) feet in width from an intermittent stream if the intermittent stream adjoins the CRPA, unless approved by the appropriate county, or state, or federal offices to permit certain activities within the CRPA, steep slope or the intermittent stream.

15. List of uses permitted within specific Transect Zones

Table 3.2(f) Cultural/Entertainment Uses Within Transect Zones

Cultural / Entertainment	TI	T2	<i>T3</i>	T4	<i>T5</i>	T6	SD-C
Library		By-right	By-right	By-right	By-right	By-right	By-right
Museum		By-right	By-right	By-right	By-right	By-right	By-right

Table 3.2(f) Cultural/Entertainment Uses Within Transect Zones

Cultural / Entertainment	T1	T2	<i>T3</i>	T4	<i>T5</i>	Т6	SD-C
18 Hole Golf Course		By right <u>CUP</u>					

Table 3.2(g) Agricultural Uses Within Transect Zones

Agricultural Uses	T1	T2	Т3	T4	<i>T5</i>	Т6	SD-C
Greenhouse	By right	By right					
Stable	By right	By right					

Table 3.2(h) Public/Civic Uses Within Transect Zones

Public/Civic Uses	T1	T2	<i>T3</i>	T4	T5	T6	SD-C
Water Tank		By-right	By-right	By-right			
<u>Substations</u>	<u>CUP</u>	CUP	CUP	CUP	<u>CUP</u>	CUP	<u>CUP</u>
Telecommunication Facility including as an ancillary use to an	CUP	CUP	CUP	CUP	CUP	CUP	CUP
existing structure							

Telecommunication	By right	By right		By-right	By-right
Antennas as an					
ancillary use to an					
existing structure or					
building					

20. Open and park spaces

Table 3.4(b) Open & Park Space

Type of Open & Park Space	Transect Zones	Description, Restrictions or Limitations
Recreational	T1, T2, T3, T4, T5, T6 & SD-C	Areas improved for outdoor recreational activities

21. Additional density and intensity regulations for specific Transect Zones

Table 3.5(a) Allocation of Transect Zones

Transect Zones	T1	T2	<i>T3</i>	T4	T5	<i>T6</i>	SD-C
Allocation of Zones	0-50%	0-30%	10-45%	30-60%	10-30%	0-40%	0-30%
Min/max % of non-residential uses	0-None	0/10* None	5 <u>10</u> /20	10 20/30	30/90	50/100	60/100
* May increase if includes an 18 hole golf course							

Table 3.5(b) Base Residential Density

Transect Zones	T1	T2	<i>T3</i>	T4	T5	T6	SD-C
Base Residential Density	1 unit /100 acres average	1 unit / 20 acres average	6 units / acres - gross	12 units / acres - gross	24 units / acres - gross	96 <u>48</u> units / acres - gross	96 48 units / acres – gross

Table 3.5(d) Setbacks, main buildings

Transect Zones	T1	T2	<i>T3</i>	T4	<i>T5</i>	T6	SD-C
Front – min/max* (feet)	50 / none	48 <u>35</u> / none	18/ none	6 min / 18 max	0 min / 20 max	0 min / 50 max	0 min / none
Side – min/max* (feet)	120 / none	96 20 / none	12 / none	0 min /	0 min / 24 max	0 min / 24 max	0 min / none
Rear – min (feet)	120	96- 35	12	3	3	0	0

^{*} The maximum setback shall not apply for lots of a redevelopment or lots with reverse frontage, or lots which front on plazas, courtyards or mews.

Table 3.5(f) Heights / Number of Stories

Transect Zones	T1	T2	<i>T3</i>	T4	T5	T6	SD-C
Maximum	None <u>75</u>	95 75 at	120 75 at				
Height (feet)	at the finished	the finished	the finished				

	floor	floor level	floor level	floor level	floor level	floor level	floor level
	level of	of the top	of the top	of the top	of the top	of the top	of the top
	the top	story	story	story	story	story	story
	story						
# of stories –	None /	None <u>1</u> / 3	None <u>1</u> / 3	2 min / 4	2 min / 6	1 min / 8	1min / 10
min/max	none	max	max	max	max	<u>6</u> max	<u>6</u> max
	1/1						

Mr. Brito motioned, seconded by Mr. Milde, to adopt proposed Ordinance O07-78.

The Voting Board tally was:

Yea: (5) Gibbons, Milde, Brito, Dudenhefer, Fields

Nay: (1) Schwartz

Absent: (1) Cavalier

Ordinance O07-78 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN SECTION 28-25,
DEFINITIONS OF SPECIFIC TERMS; SECTION 28-35, TABLE OF USES
AND STANDARDS, TABLE 3.1. DISTRICT USES AND STANDARDS; AND
TABLE 7.1, REQUIRED PARKING SPACES, OF THE ZONING
ORDINANCE

WHEREAS, the Board may amend the Zoning Ordinance, pursuant to the Code of Virginia, when it determines that the health, safety, or general welfare of the public necessitates such changes; and

WHEREAS, the furtherance of said purpose, such ordinances shall be designed to give reasonable consideration to facilitate the creation of convenient, attractive, and harmonious communities; and WHEREAS, the Board desires to encourage the location of schools in the County to educate its populace; and

WHEREAS, by definition, there are only three types of schools in the County: public facilities for a public school, schools, and vocational schools; and

WHEREAS, if a facility is designed, constructed or used for education or as an institution in any branch of knowledge excluding a public school or those meeting the definition of vocational school it shall be considered a school; and

WHEREAS, schools by their nature place unique demands on transportation and sanitation beyond what is normally experienced in certain areas of the County; and

WHEREAS, the Board desires to continue to encourage schools in appropriate locations; and

WHEREAS, public necessity, convenience, general welfare and good zoning practices are served by the initiation of an amendment to establish appropriate definitions for schools to address the needs of institutions; and

WHEREAS, the Board has carefully considered the recommendations of the Planning Commission and staff and the testimony at the public hearing; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, or good zoning practice requires adoption of such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 18th day of December, 2007 that Sections 28-25, Definitions of Specific Terms; 28-35, Table of Uses and Standards, Table 3.1, District Uses and Standards; and Table 7.1, Required Parking Spaces of the Zoning Ordinance be and they

hereby are amended and reordained as follows, with all other portions remaining the same:

Sec. 28-25. Definitions of specific terms.

Public facilities. Any public works supplied generally by a governmental organization. Such public works shall include, but not limited to, airports, parks, schools <u>owned and/or operated by Stafford County or the Commonwealth of Virginia</u>, water and sewer facilities and police and fire protective facilities.

School. Any building or part thereof which is designed, constructed or used for education or instruction in any branch of knowledge excluding <u>industrial or</u> vocational schools <u>or any schools owned and/or operated by Stafford County or the Commonwealth of Virginia</u>.

<u>School, industrial</u>. An establishment which primarily teaches usable skills that prepare students for jobs in a trade or business that include, but not limited to:

- (a) the mechanical or chemical transformation of materials and goods into finished products.
- (b) the assembly or disassembly of machinery or equipment
- (c) the use of chemicals or solvents for finished products
- (d) the discharging of firearms
- (e) <u>defense driving techniques</u>
- (f) driving trucks or heavy equipment

School, vocational. Any school which primarily teaches usable skills that prepare students for jobs in a trade that requires the mechanical or chemical transformation of materials and goods into finished products, requires the assembly or disassembly of machinery or equipment or trucks, or requires the use of chemicals and solvents for finishing products. An establishment offering courses of training in a skill or trade

including instruction for certification by the state to operate an automobile or motorcycle. This term shall not include any training or instruction that requires the discharging of firearms, techniques for defense driving or operating a truck or heavy equipment. Except for automobile driving schools, all instructions and training shall be conducted indoors.

Sec. 28-35. Table of uses and standards.

Table 3.1. District Uses and Standards

B-1 Convenience Commercial:

(a) Uses permitted by right:

School, vocational

B-2 Urban Commercial:

(a) Uses permitted by right:

School, vocational

B-3 Office:

(a) Uses permitted by right:

School, vocational

RBC Recreational Business Campus

(b) Conditional use permit:

School

School, vocational

RC Rural Commercial (a) Uses permitted by right: School, vocational SC Suburban Commercial. (a) Uses permitted by right: School, vocational M-1 Industrial Light (a) Uses permitted by right: School, vocational (b) Conditional use permit: School, industrial M-2 Industrial, Heavy (a) Uses permitted by right: School, vocational (b) Conditional use permit: School, industrial PD-1 Planned Development 1. (a) Uses permitted by right:

School, vocational

PD-2 Planned Development 2.

(a) Uses permitted by right:

School, vocational

HC Highway Corridor Overlay

(b) Conditional use permit:

(14) School, industrial

Table 7.1 Required Parking Spaces

Schools, including public schools:		
Day/nursery schools	Per 10 students	2.0
Elementary	Per 25 students	1.5
	Per 100 students	<u>1 bus</u>
<u>Middle</u>		
	Per 15 students	<u>1.0</u>
	Per 100 students	<u>1 bus</u>
High and prep		
	Per 5 students	1.0
Vocational/professional/industrial		
<u>and</u>	Per 100 square feet gfa classroom space	4.0

College/university	Per 100 square feet gfa classroom space	
	If dormitory/residence on campus	2.0
	Per 400 square feet gfa gymnasium	
	space	1.0
	Per 300 square feet gfa office/admin	
	space	1.0
	Per dormitory/residence room	
		1.0

County Administration; Consider Entering into an Agreement with VDOT for the Removal of Illegal Advertisements. The County Administrator gave a presentation.

The County Attorney commented further.

The Chairman opened a public hearing.

No one desired to speak.

The Chairman closed the public hearing.

Mr. Gibbons motioned, seconded by Mr. Brito, to adopt proposed Resolution R07-466.

The Voting Board tally was:

Yea: (6) Milde, Schwartz, Brito, Dudenhefer, Fields, Gibbons

Nay: (0)

Absent: (1) Cavalier

Resolution R07-466 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO ENTER INTO AN AGREEMENT WITH THE VIRGINIA
DEPARTMENT OF TRANSPORTATION FOR THE REMOVAL OF
ILLEGAL ADVERTISEMENTS WITHIN THE LIMITS OF THE
HIGHWAY

WHEREAS, the Board has the authority to enter into an agreement with the Virginia Department of Transportation (VDOT) under Section 33.1-375.1 (D), Va. Code Ann.; and

WHEREAS, the Board is concerned about the proliferation of illegal signs within VDOT rights-of-way; and

WHEREAS, the Board has determined that entering into an agreement with VDOT for the removal of illegal signs within VDOT rights-of-way will promote a more attractive community; and

WHEREAS, the Board feels that the public health, safety, morale, or welfare requires that a sign removal program be adopted; and

WHEREAS, the Board has considered the recommendation of staff and the testimony at the public hearing;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of December, 2007, that the County Administrator be and he hereby is authorized to approve and execute an Agreement with the Virginia Department of Transportation under Section 33.1-375.1, Va. Code Ann., to adopt a County sign removal program, and designate the County Administrator, or his designee, to be the County's responsible party for enforcement under this Agreement.

County Administration; Consider Amending Chapter 21 of the County Code Governing The Disposal of Solid Waste. Ms. Julie May, Recycling-Litter Control Analyst, gave a presentation.

The Chairman opened a public hearing.

No one desired to speak.

The Chairman closed the public hearing.

Mr. Fields motioned, seconded by Mr. Milde, to adopt proposed Ordinance O07-80.

The Voting Board tally was:

Yea: (6) Fields, Gibbons, Milde, Schwartz, Brito, Dudenhefer

Nay: (0)

Absent: (1) Cavalier

Ordinance O07-80 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 21, ARTICLES I, II, AND III OF THE STAFFORD COUNTY CODE TO GOVERN THE DISPOSAL OF SOLID WASTE

WHEREAS, the Board desires to amend Chapter 21, Articles I, II, and III of the Stafford County Code entitled Solid Waste; and

WHEREAS, the Rappahannock Regional Solid Waste Management Board rather than Stafford County operates the landfill; and

WHEREAS, the Board has conducted a public hearing and received public comments on the amendment of Chapter 21 of the Stafford County Code;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this 18th day of December, 2007, that the Stafford County Code is hereby amended and reordained as follows:

ARTICLE I. IN GENERAL

Sec. 21-1. Definitions.

For the purposes of this chapter, the following words shall have the meanings respectively ascribed to them by this section:

Discarded building materials: Any waste materials generated by building construction and/or demolition performed by commercial builders, contractors in general and others.

Garbage: All animal and vegetable waste resulting from the handling, preparation, eooking or consumption of food; including kitchen and table refuse, offal and accumulations of animal and vegetable matter.

Hazardous waste: All waste so classified as "hazardous waste" by either the federal, state or local government.

Refuse: All solid and semiliquid waste including garbage, rubbish, and discarded building materials, but not including human or animal body waste.

Refuse remover: Any person engaged in removing or transporting refuse, for compensation, from residential, commercial or industrial establishments for delivery to a sanitary landfill, or other place for disposal of same as may be permitted by law.

Rubbish: Any and all trash, cans, bottles, containers, paper, cardboard or any other waste or discarded materials of an inorganic nature, with the exception of building materials.

Trash: Papers, rags, containers of paper, cardboard, glass, crockery, wood or tin, yard or house sweepings and all other household wastes, building and manufacturing wastes or junk or unlicensed or inoperative vehicles.

(Code 1979, §§ 21-5, 21-7; Ord. No. 085-33, § 21-5, 7-22-85; Ord. No. 085-53, § 21-7, 9-3-85)

Sec. 21-2. Violations of chapter.

Any person, firm, association, partnership or corporation who shall violate any provision of this chapter shall be guilty of a misdemeanor and shall be subject, upon conviction, to a fine not to exceed three hundred dollars (\$300.00) or imprisonment in the county jail not to exceed thirty (30) days, either or both. Each day's failure of compliance with any such provision shall constitute a separate violation. Any false statement knowingly and intentionally made in securing the permit required hereunder shall constitute a violation of this chapter.

(Ord. No. 085-53, § 21-26, 9-3-85)

Secs. 21-3-21-6. Reserved.

Editor's note: Ord. No. 090-14, adopted Jan. 2, 1990, amended this chapter by repealing §§ 21-3-21-6, which pertained to unlawful disposal, littering generally and on beaches, shores, etc., and transportation of refuse generally, and adding similar new provisions as Art. V of this chapter. Formerly, §§ 21-3-21-6 derived from §§ 21-4, 21-5, 21-12 and 21-13 of the county's 1979 Code, as amended by Ord. No. 085-33, §§ 21-4 and 21-5, adopted July 22, 1985, and Ord. No. 085-53, § 21-23, adopted Sept. 3, 1985.

Sec. 21-7. Transportation of refuse by refuse removers.

- (a) Vehicles used by a refuse remover for transporting or removing shall provide against any portion of its load leaking, spilling or being blown or hurled from such vehicle or against any portion of its load being deposited upon any street or public way during loading or while in transit.
- (b) Three (3) types of vehicles shall be allowed for the transportation or removal of refuse by refuse removers, as follows:
- (1) A vehicle equipped for hydraulic compaction of refuse and constructed with a watertight body completely enclosed and covered.
- (2) A vehicle used for transporting roll off or other mechanically lifted stationary containers. Such containers shall be leakproof and equipped with built-in covers or with tarpaulin or equally effective covers, which shall be in place to prevent the escape of refuse.
- (3) A vehicle used only for the collection and transportation of discarded household furnishings, appliances, auto tires, construction debris and other nonputrescible wastes.

Such vehicles shall be equipped with built in covers or with tarpaulin or equally effective covers, which shall be secured in place while in transit to prevent the escape of refuse.

(Ord. No. 085-53, § 21-9, 9-3-85)

Editor's note: Ord. No. 085-53, adopted Sept. 3, 1985, amended Ch. 21, Art. II, Div. 2 of the 1979 Code in its entirety. Provisions designated as § 21-9 have been included herein as § 21-7 at the discretion of the editor. Provisions designated as §§ 21-10-21-14 have been included herein as §§ 21-8-21-12, respectively. For the disposition of other provisions of Ord. No. 085-53, refer to the Code Comparative Table on page 2689.

Sec. 21-8. Identification of refuse vehicles.

Each refuse remover shall permanently display, on each vehicle operated in the removal or transportation or refuse, the number assigned to the vehicle as well as name, address and telephone number. Such information shall be displayed on both sides of the vehicle, on the door of the cab or at the farthest point forward on the truck body, in letters and numbers not less than four (4) inches high, except that all permit numbers shall be four (4) inches high, not less nor more. Such information shall be painted in a conspicuous color contrasting to the color of the vehicle.

(Ord. No. 085-53, § 21-10, 9-3-85)

Sec. 21-9. Vehicles to be equipped with fire extinguishers.

All vehicles used by a refuse remover for the transportation or removal of refuse shall be equipped with a working fire extinguisher of not less than one quart capacity. Such fire extinguisher shall be kept affixed to the vehicle.

(Ord. No. 085-53, § 21-11, 9-3-85)

Sec. 21-10. Inspection of vehicles.

(a) Prior to the issuance of a permit, the applicant shall have all vehicles to be operated pursuant thereto inspected and approved by the landfill supervisor. Thereafter, the permit holder shall have all such vehicles inspected annually by the landfill supervisor. In the event of an emergency requiring the immediate replacement of such a vehicle, the refuse

remover shall notify the landfill supervisor of such replacement and have the replacement vehicle inspected by the landfill supervisor within five (5) daysafter its acquisition.

(b) Vehicles used for the removal or transportation of refuse by a refuse remover shall be made available for inspection, in addition to the inspections required in subsection (a) of this section, upon the request of the landfill supervisor. A reasonable time shall be provided for such inspections.

(Ord. No. 085-53, § 21-12, 9-3-85)

Sec. 21-11. Hours and manner of refuse removal.

Commercial hauling companies may pick up refuse from business customers not located within five hundred (500) feet of a residence after 4:00 a.m. and shall not pick up refuse from all other customers until 5:30 a.m. Refuse removed by a refuse remover shall be removed in such manner that it does not create a nuisance or adversely affect public health.

(Ord. No. 085-53, § 21-13, 9-3-85; Ord. No. O04-06, 4-6-04; Ord. No. O04-46, 9-7-04)

Sec. 21-12. Frequency of removal.

Refuse shall be collected and removed by refuse removers not less than once weekly in all residential areas of the county. Collections and removals for hotels, motels, restaurants, schools, institutions, apartments, commercial establishments, etc., by refuse removers shall be not less than twice weekly. More frequent collections may be required, if determined by the county administrator to be essential to protection of the public health.

(Ord. No. 085-53, § 21-14, 9-3-85)

Sec. 21-13. Emptying and cleaning of vehicles generally.

Each vehicle used by a refuse remover for refuse removal or transportation shall be completely emptied each time it is dumped and thoroughly cleaned twice a week when in use.

(Ord. No. 085-53, § 21-16, 9-3-85)

Sec. 21-14. Use of approved disposal site in emptying vehicles.

No vehicles used by a refuse remover for transporting or removing refuse shall be emptied in the county on any ground or location other than a county owned or operated landfill.

(Ord. No. 085-53, § 21-17, 9-3-85)

Sec. 21-15. Removal of hazardous waste, explosives and other harmful materials.

No known harmful materials, including hazardous wastes and materials which are explosive, toxic, radioactive or highly combustible by nature or burning, shall be knowingly removed for disposal by a refuse remover, except pursuant to a special permit from the county administrator, requested in writing. A copy of such permit shall be sent to the operator of the refuse disposal site. Responsibility for obtaining such permit shall rest with the person desiring the removal of the materials in question. This section shall not be construed to apply to materials loaded and carried at the direction of public officials or to public servants executing their duties in emergencies.

(Ord. No. 085-53, § 21-15, 9-3-85)

ARTICLE II. PERMIT FOR REFUSE REMOVERS

Sec. 21-21. Required.

No person engaged in business as a refuse remover shall conduct any portion of such operation within the county, unless he has a current permit so to do issued pursuant to this article.

(Code 1979, § 21-8; Ord. No. 085-53, § 21-19)

Sec. 21-22. Application.

Every person desiring a permit required by this article shall apply therefor to the county administrator. Such application shall state the full name, address and telephone number of the applicant and the applicant shall therein state generally the areas within the county

that he proposes to serve, the frequency of collections proposed, and the number of vehicles to be used.

(Code 1979, § 21-8; Ord. No. 085-53, § 21-19(a), 9-3-85)

Sec. 21-23. Issuance.

- (a) A permit for which an application has been filed under this article shall be issued or denied by the county administrator within twenty one (21) calendar days of the receipt of such application.
- (b) The county administrator shall issue a permit required by this article upon receipt of a valid application and a satisfactory finding that the applicant has reasonably and substantially complied with all applicable sections of this article.

(Code 1979, § 21-8; Ord. No. 085-53, § 21-19(b), (c), 9-3-85)

Sec. 21-24. Permit number for vehicles.

Upon the issuance of a permit under this article, the county administrator shall assign a permit number to each vehicle covered by such permit and the numbers so assigned shall be indicated on the permit.

(Code 1979, § 21-8; Ord. No. 085-53, § 21-19(e), 9-3-85)

Sec. 21-25. Term.

All permits issued under this article shall expire on the first day of February following the date of issue and shall be renewed between the first day of January and the thirty-first day of January of each year.

(Code 1979, § 21-8; Ord. No. 085-53, § 21-19(f), 9-3-85)

Sec. 21-26. Security.

(a) Each holder of a permit as a refuse remover under this article shall furnish a security in an amount of five hundred dollars (\$500.00) for each vehicle operated by the permittee in removing or transporting refuse and said security shall be conditioned to indemnify and save harmless the county, as well as any person, from all expense or damage that

may be incurred, caused by any failure of the permittee or his agents or employee to comply with the provisions herein or be negligent in handling of refuse.

- (b) Security shall be either:
- (1) Bond, payable to the county, with surety approved by the board of supervisors; or
- (2) Cash escrow deposited with the county treasurer in an interest bearing account.
- (c) The security required by this section shall be furnished at the time the permit is issued, shall be for a period of not less than twelve (12) months and shall be renewed annually.
- (d) For the purposes of this section and the security required hereby, the handling of refuse shall be deemed neglected when the person furnishing the security fails to meet the frequency of collection stated in the permit application.
- (e) If the holder of a permit issued under this article fails to correct any neglect in the handling of refuse or any noncompliance with this article, within forty-eight (48) hours after receipt of written notice so to do from the county administrator, the security provided for in this section shall be forfeited and said security shall reimburse the county or any customer for any expense or damage incurred as a result of such neglect or failure.
- (f) Forfeiture of said security shall automatically revoke the respective permit of the refuse remover, thereby suspending any and all use of the permitted vehicle for refuse removal until such time as a new security is furnished and a new permit has been obtained in accordance with this article.

(Ord. No. 085-53, § 21-8, 9-3-85)

Sec. 21-27. Denial of permit.

The denial of a permit for which an application has been filed under this article shall be accompanied by assigned reasons for the denial. Three (3) months from the date of such denial, the application in question shall expire. Within that period of time, the county administrator may issue a permit, upon finding that the applicant has corrected the reasons for denial and substantially complied with the provisions of this article.

(Ord. No. 085-53, § 21-19(d), 9-3-85)

The annual fee for a permit required by this article shall be as set forth by the board of supervisors.

(Ord. No. 085-53, § 21-19(h), 9-3-85)

Sec. 21-29. Termination of business.

(a) Notice. A refuse remover who intends to terminate and discontinue his business shall notify, in writing, the county administrator and each customer of such intended termination and discontinuance, at least thirty (30) days prior to the date of intended termination and discontinuance of business.

(b) Surrender of permit. When a refuse remover terminates and discontinues his business, he shall surrender the permit issued under this article to the county administrator, as of the date of such termination and discontinuance.

(Ord. No. 085-33, §§ 21-18, 21-19(g), 9-3-85)

Secs. 21-30-21-35. Reserved.

ARTICLE III. SANITARY LANDFILLS

Sec. 21-36. Availability for use.

County acquired or operated sanitary landfills shall be available to county residents, refuse removers and others subject to this article, during such hours and upon such conditions as the county administrator may direct.

(Code 1979, § 21-9; Ord. No. 085-53, § 21-21, 9-3-85)

Sec. 21-37. Use charges.

(a) Charges for the use of a county sanitary landfill shall be such as are prescribed by the board of supervisors. It shall be unlawful for any person to dispose of refuse on a county landfill before paying such charges, except that any resident of the county, using a personal vehicle with a valid county tag or a permit issued by the county administrator for the purpose of disposing of refuse resulting from domestic use on a county landfill shall not be required to pay such charges.

- (b) Any person who violates this section shall, in addition to any penalty provided for such violation, be subject to suspension of the privilege of using the county sanitary landfills for a period of thirty (30) days.
- (c) Nothing in this Code or the ordinance adopting this Code shall affect any ordinance establishing charges referred to in subsection (a) above and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

(Code 1979, §§ 21-9, 21-10; Ord. No. 085-53, § 21-20(c), 9-3-85)

Sec. 21-38. Prohibited deposits generally.

It shall be unlawful for any person to dispose of, but shall not be limited to, the following materials on any county owned or operated sanitary landfill:

- (1) Abandoned vehicles.
- (2) Wheels mounted with tires.
- (3) Trees and stumps with the exception of tree trimmings which are less than three (3) inches in diameter.
- (4) Hazardous waste materials unless a special permit is issued from the county administrator.
- (5) Other like waste materials as determined by the county administrator of Stafford County, whose decision shall be final.

(Code 1979, § 21-11; Ord. No. 085-53, § 21-22, 9-3-85)

Sec. 21-39. Deposit of refuse originating outside county.

It shall be unlawful for any person to dispose of refuse upon a county owned or operated sanitary landfill, which was not both discarded and picked up for disposal within this county.

(Code 1979, § 21-14; Ord. No. 085-53, § 21-24, 9-3-85)

Sec. 21-40. Authority to promulgate rules and regulations.

(a) The county administrator of Stafford County may adopt reasonable rules and regulations to assure safe, sanitary and efficient operation of the county sanitary landfill.

The county administrator is hereby authorized to promulgate the aforesaid rules and

regulations for the county sanitary landfill which shall have the force and effect of law.

(b) The county administrator may further delegate the authority to such person or

persons as he deems appropriate.

(Ord. No. 085-53, § 21-20, 9-3-85)

Sec. 21-41. Suspension of use privileges.

Any person, firm, association, partnership or corporation who shall violate this article of

the Code shall, in addition to any other penalty provided in this chapter, be subject to

suspensions of the privilege of using the Stafford County sanitary landfill for a period of

not less than thirty (30) days nor more than ninety (90) days as deemed reasonable or just

by the county administrator.

(Ord. No. 085-53, § 21-25, 9-3-85)

Cross references: Penalty for violations of this chapter, § 21-2.

Secs. 21-42-21-50. Reserved.

ARTICLE I. IN GENERAL

Sec. 21-1. Definitions.

For the purposes of this chapter, the following words shall have the meanings

respectively ascribed to them by this section:

Garbage: Readily putrescrible discarded materials composed of animal, vegetable or

other organic matter.

Hazardous waste: Any waste material, including garbage, trash and refuse, derived from

households; A substance or material which has been determined by the Secretary of

Transportation to be capable of posing an unreasonable risk to health, safety, and

property when transported in commerce, and which has been so designated under 49 CFR

Parts 171 and 173.

Landfill: The landfill within the County owned and operated by the County of Stafford and the City of Fredericksburg pursuant to a joint exercise of powers agreement.

R-Board: The Rappahannock Regional Solid Waste Management Board as so prescribed in the Operational Agreement for Regional Landfill dated December 9, 1987.

Refuse remover: Any person engaged in removing or transporting refuse, for compensation, from residential, commercial or industrial establishments for delivery to a sanitary landfill, or other place for disposal of same as may be permitted by law.

Refuse: All solid waste produced having the character of solids rather than liquids and which are composed wholly or partially of materials such as garbage, trash, rubbish, litter, residues from cleanup of spills or contamination, or other discarded materials.

Rubbish: Combustible slowly putrescrible discarded materials which include, but are not limited to, trees, wood, leaves, trimmings from shrubs or trees, printed matter, plastic and paper products, rags, and other combustibles or slowly putrescrible materials not included under the term "GARBAGE".

Trash: Combustible and non-combustible discarded materials and is used interchangeably with the term "RUBBISH".

Sec. 21-2. Authority to promulgate rules and regulations

The County of Stafford and the City of Fredericksburg currently operate the Landfill pursuant to a joint exercise of powers agreement through the Rappahannock Solid Waste Management Board (the "R-Board"). The R-Board shall have the authority to adopt reasonable rules and regulations to assure safe, sanitary and efficient operation of the sanitary landfill. The aforesaid rules and regulations shall have the force and effect of law. The R-Board may also delegate authority to the landfill supervisor to inspect vehicles and grant permits to refuse removers.

Sec. 21-3. Violations of chapter.

Any person, firm, association, partnership, corporation or other entity that violates the Rules and Regulations adopted by the R-Board shall be subject to suspension of the privilege of using the landfill for a period deemed reasonable and just by the R-Board.

Sec. 21-4. Permit

- (a) All refuse removers desiring to dispose of refuse at the landfill must obtain a refuse removers permit issued by the R-Board.
- (b) A refuse remover desiring a permit required by this section shall apply therefore to the R-Board.
- (c) The R-Board shall issue a permit required by this section upon receipt of a valid application and a satisfactory finding that the applicant has reasonable and substantially complied with all applicable sections.
- (d) The denial of a permit for which an application has been filed under this section shall be accompanied by assigned reasons for the denial. Three (3) months from the date of such denial, the application in question shall expire. Within that period of time, the R-Board may issue a permit upon finding that the applicant has corrected the reasons for denial and substantially compiled with the provisions of this section.
- (e) Upon the issuance of a permit under this section, the R-Board shall assign a permit number to each vehicle covered by such permit and the number so assigned shall be indicated on the permit.
- (f) When a refuse remover terminates and discontinues his business, he shall surrender the permit issued under this section to the R-Board, as of the date of such termination and discontinuance.

Sec. 21-5. Fees.

The annual fees for permits, security, and disposal shall be set forth by the R-Board.

Sec. 21-6. Transportation of refuse by refuse removers.

(a) Vehicles used by a refuse remover for transporting or removing refuse shall provide against any portion of its load leaking, spilling or being blown or hurled from such vehicle or against any portion of its load being deposited upon any street or public way during loading or while in transit.

(b) A vehicle used only for the collection and transportation of discarded household furnishings, appliances, auto tires, construction debris, and other nonputrescible wastes shall be equipped with built-in covers or with tarpaulin or equally effective covers, which shall be secured in place while in transit to prevent the escape of refuse.

Sec. 21-7. Hours and manner of refuse removal.

Commercial hauling companies may pick up refuse from business customers not located within five hundred (500) feet of a residence after 4:00 a.m. and shall not pick up refuse from all other customers until 5:30 a.m. Refuse removed by a refuse remover shall be removed in such manner that it does not create a nuisance or adversely affect public health.

Sec. 21-8. Frequency of removal.

Refuse shall be collected and removed by refuse removers not less than once weekly in all residential areas of the County. Collections and removals for hotels, motels, restaurants, schools, institutions, apartments, commercial establishments, etc., by refuse removers shall be not less than twice weekly. More frequent collections may be required, if determined by the County to be essential to protection of the public health.

Sec. 21-9. Emptying and cleaning of vehicles generally.

Each vehicle used by a refuse remover for refuse removal or transportation shall be completely emptied each time it is dumped and thoroughly cleaned twice a week when in use.

Sec. 21-10. Use of approved disposal site in emptying vehicles.

No vehicles used by a refuse remover for transporting or removing refuse shall be emptied in the County on any ground or location other than the sanitary landfill.

Sec. 21-11. Removal of hazardous waste, explosives and other harmful materials.

No known harmful materials, including hazardous wastes and materials which are explosive, toxic, radioactive, or highly combustible by nature or burning, shall be knowingly removed for disposal by a refuse remover, except pursuant to a special permit from the R-Board, requested in writing. A copy of such permit shall be sent to the Landfill Superintendent. Responsibility for obtaining such permit shall rest with the person desiring the removal of the materials in question. This section shall not be construed to apply to materials loaded and carried at the direction of public officials or to public servants executing their duties in emergencies.

Parks and Recreation; Authorize Conveyance of a Sanitary Sewer Easement and Storm

<u>Drainage Easement on County-Owned Property at Smith Lake Park.</u> The County

Administrator gave a presentation.

The Chairman opened a public hearing.

No one desired to speak.

The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Mr. Gibbons, to adopt proposed Resolution R07-478.

The Voting Board tally was:

Yea:

(6) Gibbons, Milde, Schwartz, Brito, Dudenhefer, Fields

Nay:

(0)

Absent: (1) Cavalier

Resolution R07-478 reads as follows:

A RESOLUTION TO AUTHORIZE CONVEYANCE OF A SANITARY

SEWER EASEMENT AND A STORM DRAINAGE EASEMENT ON

COUNTY-OWNED PROPERTY AT SMITH LAKE PARK

WHEREAS, Brookfield Woodstream, L.L.C. has requested a sanitary and a storm

drainage easement on County owned property at Smith Lake Park; and

WHEREAS, in exchange for the easements, the developer has agreed to provide a

300' long, 48" high chain link fence to be located at a mutually agreed upon location in

the Park; and

WHEREAS, the Board has carefully considered the recommendation of Staff and

the testimony at a public hearing;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of

Supervisors on this the 18th day of December, 2007, that the County Administrator

and/or Chairman of the Board be and he hereby is authorized to convey a sanitary and a

storm drainage easement on County-owned property at Smith Lake Park.

Utilities; Vacate a Sanitary Sewer Easement on A/P 44N-2-13 in Heritage Commerce

Center. The County Administrator gave a presentation.

The Chairman opened a public hearing.

No one desired to speak.

The Chairman closed the public hearing.

Mr. Brito motioned, seconded by Mr. Fields, to adopt proposed Resolution R07-474.

The Voting Board tally was:

(6) Milde, Schwartz, Brito, Dudenhefer, Fields, Gibbons

Nay:

Absent: (1) Cavalier

Resolution R07-474 reads as follows:

A RESOLUTION TO VACATE A SEWER EASEMENT ON A/P 44N-2-13

WHEREAS, a sanitary sewer easement was recorded on A/P 44N-2-13, but never used for sanitary sewer construction; and

WHEREAS, the sanitary sewer easement on the property is no longer needed for County use; and

WHEREAS, the Board has carefully considered the recommendations of the Staff and the testimony received at the public hearing;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of December, 2007, that the County Administrator be and he hereby is authorized to vacate the sanitary sewer easement on A/P 44N-2-13.

Transportation; Vacate and Abandon a Public Right-of-Way as a Future Connection in Locklear's Landing Subdivision. The County Administrator gave a presentation.

The Chairman opened a public hearing.

No one desired to speak.

The Chairman closed the public hearing.

Mr. Gibbons motioned, seconded by Mr. Schwartz, to adopt proposed Ordinance O07-85.

The Voting Board tally was:

Yea: (6) Schwartz, Brito, Dudenhefer, Fields, Gibbons, Milde

Nay: (0)

Absent: (1) Cavalier

Ordinance O07-85 reads as follows:

AN ORDINANCE TO VACATE AND ABANDON A PUBLIC

RIGHT-OF-WAY AS A FUTURE CONNECTION IN

LOCKLEAR'S LANDING SUBDIVISION

WHEREAS, the plat for Locklear's Landing Subdivision shows a future road

connection with a 50-foot right-of-way; and

WHEREAS, the dedicated right-of-way between Lot No. 9 and Lot No. 10,

situated in Locklear's Landing Subdivision, is no longer needed as a road connection to

the proposed adjoining King's Crossing Subdivision, or for other public interests; and

WHEREAS, an application has been filed to vacate and abandon the right-of-way

whereby equal portions of the right-of-way would convey to the owners of the adjoining

lots, Assessor's Parcels 28C-2-9 and 28C-2-10; and

WHEREAS, Section 15.2-2272 of the Code of Virginia (1950), as amended,

allows the vacation and abandonment of the right-of-way intended as a future street

following a public hearing; and

WHEREAS, the Board has considered the recommendations of staff, and the

testimony at the public hearing;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 18th day of December, 2007, that pursuant to Section 15.2-2272 of the Code of Virginia (1950), as amended, the Board be and it hereby does vacate and abandon the 50-foot public right-of-way in Locklear's Landing Subdivision between Lot No. 9 and Lot No. 10; and

BE IT FURTHER ORDAINED that a new plat shall be recorded reflecting this vacation and abandonment; and

BE IT STILL FURTHER ORDAINED that certified copies of this ordinance be forwarded to the parties requesting this action.

Adjournment. At 11:51 P. M., the Chairman declared the meeting adjourned.	
Steve Crosby	Jack R. Cavalier
County Administrator	Chairman